

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CRMC No. 595/2015

Date of pronouncement: 13.02.2026

Date of uploading: 16.02.2026

Devi Ditta,
S/o Late Femu Ram,
R/o Mishriwala, Tehsil & District
Jammu

.....Petitioner(s)

Through: Mr. Dalvinder Kumar, Advocate

vs

1. Neera Kumari W/o Devi Ditta
D/o Late Ram Lal R/o H. No. 187 Preet
Nagar, Digiana, Jammu.
2. State through SHO P/S Domana.

..... Respondent(s)

Through: Mr. P. D. Singh, Dy. AG

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

13.02.2026

1. The petitioner has invoked the inherent jurisdiction of this Court under Section 561-A of the Code of Criminal Procedure (J&K) for quashing of the challan pending before the Court of learned Municipal Magistrate, Jammu, arising out of offences punishable under Sections 498-A and 323 of the Ranbir Penal Code. The principal ground urged is that the allegations levelled against the petitioner are false, fabricated and have been engineered with an oblique motive. It is contended that the investigation has not been conducted in accordance with law and that the continuation of proceedings amounts to abuse of process of the Court.
2. Learned counsel for the petitioner submits that the complainant has manipulated facts to give an impression of cruelty and physical assault. It is argued that the investigation was reckless and not in conformity with the principles laid down by the Hon'ble Supreme Court. On these premises, it

is prayed that this Court may exercise its inherent powers to prevent miscarriage of justice.

3. Per contra, learned counsel for the respondents submits that the petition itself is an abuse of process. It is pointed out that though initially Section 307 RPC was alleged, the investigating agency, upon due investigation, found no material to sustain the said charge and accordingly filed charge-sheet only under Sections 498-A and 323 RPC. It is submitted that this itself demonstrates fairness in investigation. The petitioner has already appeared before the Trial Court, charges have been framed, and the petitioner has pleaded not guilty. The present petition has been filed at a belated stage when the prosecution evidence is underway, with the sole object of stalling the trial.
4. I have considered the rival submissions and perused the record. The scope of interference under Section 561-A Cr.P.C. is well settled. The inherent jurisdiction is to be exercised sparingly and with circumspection. The Hon'ble Supreme Court in **State of Haryana v. Bhajan Lal 1992 Supp 1 SCC 335**, has enumerated the categories of cases wherein such power may be exercised for quashing criminal proceedings. It has been held that quashing is justified only where the allegations made in the complaint, even if taken at their face value, do not constitute any offence or where the proceedings are manifestly attended with mala fide and instituted with ulterior motive.
5. In the present case, the allegations in the charge-sheet disclose that the complainant was allegedly subjected to physical assault and cruelty. The investigating agency, after due investigation, found sufficient material to proceed under Sections 498-A and 323 RPC. At this stage, this Court cannot embark upon appreciation of evidence or adjudicate disputed questions of fact. The contention that the investigation was tainted remains a bald assertion without supporting material.

6. It is also noteworthy that the petitioner has already joined the trial proceedings and has pleaded not guilty to the charges framed. Once the Trial Court has found prima facie material to proceed and the trial has commenced, interference under inherent jurisdiction would not be warranted unless the case falls squarely within the parameters laid down in Bhajan Lal's case (supra). No such exceptional circumstance has been demonstrated.
7. Continuation of the trial, in the facts of the present case, cannot be said to amount to abuse of process of law. On the contrary, stalling the proceedings at this stage would impede the course of justice. The allegations, if taken at face value, disclose commission of cognizable offences and therefore require adjudication on evidence before the Trial Court.
8. For the foregoing reasons, the petition is devoid of merit and is, accordingly, **dismissed**. Interim directions, if any, shall stand vacated. The learned Trial Court shall proceed with the matter expeditiously and conclude the trial in accordance with law.

(Sanjay Parihar)
Judge

Jammu
13.02.2026
Vishal Sharma

Whether the order is reportable?	No
Whether the order is speaking?	Yes