

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case No:- CRM(M) No. 1420/2025

Date of Pronouncement : 12.01.2026

Uploaded on: 15 .01.2026

Nazir Ahmed and others

.... **Petitioner(s)**

Through:- Mr. Arshad Hussain, Advocate

V/s

Union Territory of J&K and others

.....**Respondent(s)**

Through:-

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

ORDER

1. Learned counsel for the petitioners submits that the proceedings arising out of FIR No. 33/2024, pending before the Court of Judicial Magistrate 1st Class, Mahor, for offences under Sections 188 and 171-E IPC of Police Station Arnas, District Reasi, are barred by limitation and, therefore, illegal. It is contended that the complainant has resorted to abuse of the process of law, warranting invocation of the jurisdiction of this Court for quashment of the proceedings. It is further argued that the FIR is absurd and inherently improbable, on the basis of which cognizance ought not to have been taken.
2. It is fairly conceded by learned counsel for the petitioners that the FIR has culminated into a charge-sheet which is presently pending before the trial Court. It was also argued during the course of

hearing that the matter is still at the initial stage. It appears that earlier the petitioners, through petitioner No. 2 namely Sanjay Kumar Rana, had filed CRM(M) No. 1005/2024 questioning FIR No. 33 of 2024 and seeking its quashment. Vide order dated 26.12.2024, this Court had directed that, subject to objections, the impugned FIR shall remain stayed; however, prior to the passing of the said order, the charge-sheet had already been filed, thereby rendering the said petition infructuous.

3. It is further conceded by learned counsel for the petitioners that the aforesaid petition was subsequently dismissed for non-prosecution and that the present petition seeks quashment of the charge-sheet. Reliance has been placed on the judgment of the Hon'ble Supreme Court in *State of Haryana v. Bhajan Lal*, wherein it has been laid down that criminal proceedings can be quashed where the allegations, taken at their face value and accepted in their entirety, do not disclose the commission of any offence or make out a case against the accused, or where the complaint is so inherently improbable that no prudent person can reach a just conclusion. It has further been held that such proceedings can be quashed only when they are the result of abuse of the process of law.
4. After hearing learned counsel for the petitioners, this Court is of the considered view that no case for admission is made out. The charge-sheet has already been laid, and even if, for the sake of argument, it is conceded that the charge-sheet is barred by limitation and that the Court cannot take cognizance thereof, the

appropriate remedy available to the petitioners is to approach the trial Court which is seized of the matter. It is fairly conceded by learned counsel for the petitioners that, since the matter is at an initial stage, the petitioners would be at liberty to raise all the defences available to them before the trial Court. It was also argued that petitioner Nos. 2 to 6 have been arrayed as accused subsequently without any incriminating material. However, without commenting on the merits of the case, this petition is disposed of by permitting the petitioners to approach the trial Court and raise all available defences, including the plea that the charge-sheet is barred by law, particularly when it is conceded that the trial Court is yet to take formal cognizance of the charge-sheet.

5. In view of the above, the present petition is *disposed* of by granting liberty to the petitioners to approach the trial Court for raising all defences as are available to them and persuade the trial court for appropriate disposal of the charge-sheet in accordance with law.

(SANJAY PARIHAR)
JUDGE

JAMMU
12.01.2026
Rahul Sharma

Whether the order is speaking? : Yes

Whether the order is reportable? : No