

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 685/2019

Reserved on: 24.07.2026
Pronounced on : 05.08.2026
Uploaded on : 05.08.2026

Operative part or full judgment: Full

Pardeep Sharma

S/O Sh. Lal Man

R/O W. No. 15 Patel Nagar, Kathua

Presently posted as Station House

Officer, Police Station, Akhnoor.

....Petitioners

Through:- Mr. Rakesh Chargoitra, Sr. Adv. with
Mr. Abhishek Verma, Advocate.

V/S

1. Neha Sharma

W/O Sh. Vivek Sharma

D/O Sh. Sat Pal

R/O Ward No. 10, House No. 67,

Raja Bajar, Akhnoor

At present Muthi, Jammu.

2. Pardeep Sharma,

S/O Sh. Sat Pal,

R/O Muthi, Jammu.

3. Sat Pal,

S/O Sh. Bishan Dass,

R/O Muthi, Jammu.

4. Rani Devi,

W/O Late. Bal Krishan,

R/O Ward No. 10, Akhnoor,

District Jammu.

5. Pawan Kumar,

S/O Late Bal Krishan,

R/O Ward No. 10, House No. 67,

Raja Bazaar, Akhnoor.

6. Raja,

S/O Late Sh. Bal Krishan,

R/O Ward No. 10, House No. 67,

Raja Bazaar, Akhnoor.

7. Shashi,

D/O Late Bal Krishan,

W/O Sh. Babu Ram,

R/O Village Kathar, Maira Mandrian,

Akhnoor.

8. Pooja,

.....Respondents

D/O Late. Bal Krishan,
W/O Late Sh. Rakesh Kumar,
R/O Village Agore, Tehsil Bhalwal,
District Jammu.

9. Sudesh,

D/O Late Bal Krishan,
W/o Sh. Devi Dass,
R/o Janipur, Jammu.

10. Sonam,

S/O Sh. Babu Ram,
R/O Village Kathar, Maira Mandrian,
Akhnoor.

.....Proforma Respondents

Through:- None.

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

JUDGMENT

01. The petitioner, through the medium of the above-titled petition filed under Section 482 CrPC, seeks quashment of criminal complaint titled '**Neha Sharma & Ors Vs. SHO Police Station, Akhnoor & Ors**' for the commission of offences punishable under Sections 182, 199, 200, 415, 420, 506 RPC and summoning order dated 25.09.2019 passed by the learned Excise Magistrate, Jammu.

02. It is pleaded in the petition that at the instance of respondent No. 1-Neha Sharma, a case was registered at Police Station, Akhnoor vide FIR No. 18/2019 on 27.08.2019 for the commission of offences punishable under Sections 498-A, 323, 147, 504 & 506 RPC against the proforma respondents on the directions of the learned Chief Judicial Magistrate, Jammu; that proforma respondent No. 4-Rani Devi had moved an application before the learned Judicial Magistrate (Munsiff), Akhnoor, in terms of Section 156(3) CrPC for issuance of

directions to the SHO, Police Station, Akhnoor for registration of FIR and the learned Judicial Magistrate, Akhnoor was pleased to pass an order dated 31.08.2019, whereby the SHO, Police Station, Akhnoor was directed to register an FIR and conduct the investigation; that pursuant to the said order of the learned Magistrate, another FIR No. 211/2019 was lodged with Police Station, Akhnoor on 11.09.2019 for the commission of offences punishable under Section 341, 323, 506 RPC against the contesting respondents.

03. It is alleged that after registration of FIR, contesting respondents have filed a criminal complaint before the court of learned CJM, Jammu titled '**Neha Sharma & Ors Vs. SHO Police Station, Akhnoor & Ors**' for the commission of offences punishable under Sections 182, 199, 200, 415, 420, 506 RPC along with Section 120-B of RPC on various false and frivolous facts, which was entertained and process was issued against the accused including the petitioner herein, vide order dated 25.09.2019 taking cognizance in the matter and issuance of process.

04. The petitioner has challenged the summoning order dated 25.09.2019, *inter alia*, on the grounds that the allegation of registering of FIR No. 211/2019 against the respondents without investigating the matter, if taken at its face value and accepted in its entirety does not even 'prima facie' constitute an offence or make out a case against the petitioner, for the commission of any of the offences under Sections 182, 199,

200, 415, 420, 506/120-B RPC along with Section 120-B RPC; that the allegation of the respondents against the petitioner is that he has abused his official position by directly registering the FIR, without conducting investigation, is untenable in law in view of the fact that after the clear cut direction of the learned Judicial Magistrate, Akhnoor, the petitioner was bound to register the FIR and investigate the matter in accordance with law; that the allegation of conducting the investigation before registering the FIR is contrary to the judicial order, in view of the fact that the police authorities can ascertain about the commission of cognizable offences before registration of the FIR, as genuineness and falsehood of the case cannot be ascertained before registration of the FIR; that the learned Magistrate while passing the impugned summoning order had not recorded the statement of the complainants and their witnesses under Section 200 CrPC, in order to draw subjective satisfaction of the learned Magistrate about the commission of offences; that as per Section 204 of the CrPC, the trial court cannot issue the process unless the list of witnesses is furnished to the court. Lastly, it has been prayed that the petition be allowed and the impugned summoning order be quashed.

05. The respondents, despite service of notices upon them, have chosen not to file objections to contest the petition filed by the petitioner.

06. Heard learned counsel for the petitioner, perused the record and considered the matter.

07. The question which arises for consideration is whether the allegations contained in the complaint, even if taken at their face value, disclose commission of any offence by the petitioner and whether the impugned summoning order passed by the learned Magistrate as against the petitioner, suffers from legal infirmity warranting interference under Section 482 CrPC.

08. It is a settled proposition of law that the extraordinary jurisdiction under Section 482 CrPC is meant to prevent abuse of the process of law and to secure the ends of justice. Where the allegations made in the complaint, taken in their entirety, do not constitute the ingredients of the offences alleged, the continuation of criminal proceedings would amount to abuse of the process of the Court.

09. In the present case, the foundational allegation against the petitioner is that he, as SHO, Police Station, Akhnoor, registered a criminal case vide FIR No. 211/2019 against the complainant, without conducting a prior inquiry or investigation into the truthfulness of the allegations. The said allegation, on the face of it, does not constitute any criminal offence. The petitioner was acting in discharge of his official duties pursuant to a specific judicial direction issued by the learned Judicial Magistrate, Akhnoor under Section 156(3) CrPC. Once a competent Magistrate directed registration of an

FIR and investigation, the petitioner, as an officer in charge of the police station, was legally bound to comply with such direction.

10. The law does not require the police officer to conduct a detailed investigation or adjudicate upon the truthfulness of allegations before registration of an FIR relating to a cognizable offence. The purpose of registration of FIR is to set the criminal law into motion and the question regarding truthfulness or otherwise of the allegations is to be examined during the course of investigation. Therefore, the mere registration of FIR pursuant to the order of a Magistrate cannot, by itself, constitute any of the offences of cheating, fraud, giving false information, or abuse of official position.

11. Further, the allegations necessary to constitute offences under Sections 182, 199, 200, 415, 420 and 120-B RPC are conspicuously absent from the complaint as against the petitioner. There is no specific allegation demonstrating that the petitioner furnished false information to any public servant, made any false declaration, deceived any person, or dishonestly induced anyone to deliver any property and/or entered into a criminal conspiracy. Bald and general allegations, without attribution of any criminal intent or specific overt act, cannot form the basis for initiating criminal prosecution.

12. The impugned summoning order also reflects non-application of mind. The learned Magistrate has proceeded to

issue process without recording sufficient satisfaction regarding the existence of a 'prima facie' case against the petitioner. The order does not disclose consideration of the material placed before the Court or the ingredients of the offences alleged against the petitioner.

13. It is also relevant to note that issuance of process against a public servant for acts performed in the course of official duties require greater circumspection. In the present case, the act attributed to the petitioner is purely administrative and statutory in nature, performed pursuant to the order of a competent Court. Permitting criminal proceedings against the petitioner to continue in such circumstances would have the effect of discouraging public officials from performing their lawful duties.

14. The allegations in the complaint, even if accepted in their entirety, fail to disclose commission of any offence by the petitioner. The continuation of proceedings arising out of such complaint would, therefore, amount to an abuse of the process of the Court.

15. Consequently, this Court is of the considered opinion that the present case falls within the parameters warranting exercise of inherent jurisdiction under Section 482 CrPC., in view of the law laid down by the Apex Court in State of Haryana & Ors Vs. Ch. Bhajan Lal & Ors, **1992 SCC (Cri) 426.**

16. Accordingly, the instant petition is **allowed**. The complaint titled *Neha Sharma & Ors. Vs. SHO Police Station, Akhnoor & Ors.* and the summoning order dated 25.09.2019 passed by the learned Excise Magistrate, Jammu, whereby the petitioner has been summoned to face trial for offences under Sections 182, 199, 200, 415, 420, 506 and 120-B RPC, are hereby **quashed**, qua the petitioner.

17. The proceedings, if any, pending before the learned trial Court against the petitioner pursuant to the aforesaid complaint shall stand closed.

18. **Disposed of, accordingly,** along with application(s).

JAMMU
05.08.2026
Naresh/Secy.



(M A CHOWDHARY)
JUDGE

Whether the judgment is speaking: **Yes**

Whether the judgment is reportable: **Yes**

...