

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

Reserved on: 21.09.2026

Pronounced on: 26.09.2026

Uploaded on: 26.09.2026

Whether the operative part
or full judgment is
pronounced: **Full**

WP(C) No.813/2024

FAYAZ AHMAD MIR

...PETITIONER(S)/ APPELLANT(S)

Through: - Mr. Shabir Ahmad Najar, Advocate.

Vs.

UT OF J&K & ORS.

...RESPONDENT(S)

Through: - Ms. Raheela Khan, Assisting Counsel

CORAM: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

JUDGMENT

1) Feeling aggrieved of the chargesheet dated 12.03.2024, issued by respondent No.9, whereby the petitioner has been asked to furnish reply in defence in respect of the charges framed against him, within a week's time, the petitioner has filed the instant writ petition.

2) It is stated that the petitioner was serving as Driver Constable in the Police Department in Security Wing and attached with one political activist, namely, Sonaullah Dar.

It is stated that while the petitioner was on duty in a

marriage function at the residence of above named political activist, two persons, namely, Naseer Ahmad Dar and Tariq Ahmad Dar, nephews of the said political activist and serving in the Police Department, came and asked the petitioner to handover keys of the Government Vehicle (Gypsy) allotted to the above named political activist and when the petitioner refused, they assaulted him ruthlessly causing injuries to him. Later, he was shifted to SKIMS, Soura, for treatment. It is submitted that the petitioner approached the concerned police station and FIR No.83/2013 came to be registered against both the above named persons and after completing investigation, the challan was produced before the Court of Principal Sessions Judge, Budgam, wherein both the accused persons were acquitted.

3) It is submitted that the petitioner and even his father approached respondent No.3 for taking disciplinary action against the above named accused persons but no action was taken and instead the impugned charge sheet has been issued against the petitioner in order to harass him and the respondent No.9 has misused his power and position while issuing the impugned charge sheet with ulterior motive and ill design to harass the petitioner.

4) The respondents have filed their response, stating therein that a departmental enquiry was ordered against the petitioner to be conducted by Dy. SP (Central Police), Kashmir, for giving contradictory statements during trial of case FIR No.83/2013, which resulted in acquittal of the accused. It is stated that after examining the judgment of acquittal dated 22.06.2022, prosecution requested the DGP to take appropriate action against the Investigating Officer for not appearing as witness before the court and three other police officials including the petitioner, who damaged the prosecution case by giving contradictory statements and consequently, departmental enquiry against the petitioner along with other delinquent officials has been ordered by the higher authorities. It has been submitted that the respondent No.9 has initiated departmental proceedings against the petitioner under the legitimate orders of his senior officers and he is well within his domain to issue charge sheet against the petitioner in accordance with the provisions of the J&K Police Manual.

5) Heard and perused the record.

6) The petitioner has sought two reliefs in the instant writ petition i.e. (i) for quashing the order dated 12-03-2024, which, in fact, is a charge sheet, and (ii) for commanding the

respondents take stern action against the accused persons, namely, Naseer Ahmad Dar and Tariq Ahmad Dar.

7) This is admitted case of the petitioner that both Naseer Ahmad Dar and Tariq Ahmad Dar stand acquitted by the court of learned Sessions Judge, Budgam, in terms of the judgment dated 22.06.2022. The petitioner never filed the writ petition for seeking action against the above named persons, when the representation filed by him and his father evoked no response from the respondents. He didn't even file the writ petition, when the judgment of acquittal was recorded by the learned Principal Sessions Judge, Budgam. The petitioner filed the writ petition only when the chargesheet dated 12.03.2024 was served upon him. It clearly demonstrates that the petitioners is/was not aggrieved of the judgment of acquittal and has filed the instant writ petition only to scuttle the disciplinary proceedings initiated against him.

8) The petitioner has raised the issue of non-compliance of Rule 354 of the Police Rules, 1960, which, in the opinion of this Court, pales into insignificance on account of acquittal of the above named two persons.

9) The representations placed on record by the petitioner are undated, and there is no proof of when they were submitted to the concerned authorities. Furthermore, while the petitioner alleges *mala fide* against the respondents, specifically Respondent No. 9, he has failed to implead them in their personal capacity. Consequently, the petition is misconceived and liable to be dismissed on this score only.

10) Further, the petitioner has not been able to demonstrate before this Court violation of any rule by respondent No.9, thereby causing prejudice to the petitioner. This Court has not even an iota of doubt in its mind that the present petition has been filed with ulterior motive to scuttle the disciplinary proceedings initiated by the respondents. The petitioner can participate in the disciplinary proceedings and raise the pleas available to him, but can't file this writ petition on flimsy grounds.

11) In view of the above discussion, this Court is of the considered view that the instant petition is misconceived and lacks merit. Accordingly, the same is dismissed.

(Rajnish Oswal)
Judge

Srinagar,
26.09.2026
"Bhat Altaf-Shergati"

Whether the **judgment** is reportable: **NO**