

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

CRM(M) 537/2026 CrIM(1256/2026))

GHULAM MOHAMMAD KHAN

..... Petitioner(s)

Through: Mr. Owais Geelani, Advocate.

V/s

**UNION TERRITORY THROUGH POLICE STATION BEERWAH AND
OTHERS**

..... Respondent(s)

Through:

Coram:

Hon'ble Mr. Justice Sanjay Dhar, Judge

ORDER(ORAL)

29.07.2026

1. The petitioner, through the medium of present petition is seeking quashment of FIR No. 126/2026, for offences under Section 109 and 115(2) of BNSS registered with Police Station, Beerwah, District Budgam.
2. As per the allegations made in the impugned FIR, on the date of occurrence, when the complainant was present in his house, he heard some noise from outside and upon coming out, he saw that his mother was being hit by the petitioner with brick on her head as a result of which, she fell down on the ground and suffered grievous injuries leading to profuse bleeding.

3. Learned counsel for the petitioner has submitted that there is a land dispute going on between the petitioner and the complainant party which has prompted the complainant party to file the instant FIR. It has been further contended that regarding the same occurrence, the petitioner has already lodged another FIR bearing No. 124/2026 for offences under Section 191(2), 329(3) and 74 of BNSS registered with Police Station Beerwah and the present FIR is a counter blast to the aforesaid FIR lodged at the behest to the petitioners. In order to support his contention that in such like case, the FIR is liable to be quashed, he has relied upon the judgment of the Supreme court in case titled *State of Haryana Vs. Ch. Bajan Lal* reported in (1992) Supp (1) SCC 335.
4. I have heard learned counsel for the petitioner and perused the record of the case.
5. A bare perusal of the impugned FIR would reveal that there are allegations that the petitioner hit the mother of the complainant with a brick on her head which is a vital part of the body. This has resulted in profuse bleeding and

- grievous injuries to the victim. Thus cognizable offences are made out against the petitioner.
6. It may be correct that the land dispute between the parties may have led to the quarrel between them but in most of criminal cases there is an underlying civil dispute. Just because an offence owes its origin to a civil dispute cannot offer a ground for quashing the FIR. Once the allegations made in the FIR disclose commission of cognizable offences, it is statutory duty of the investigating agency to undertake investigation in the case. The issue whether the allegations made in the FIR are actuated by malafides or the same are result of counter blast to earlier FIR lodged by the complainant, is a matter to be investigated during the course of investigation. This Court cannot undertake a mini trial to ascertain the veracity of the defence put up by the petitioner.
7. So far as the filing of counter FIR by the petitioner against the complainant party is concerned, the same also requires to be investigated by the investigating agency and it will

be appropriate that the SHO hands over investigation of both the FIRs to one and the same Investigating officer.

8. For the foregoing reasons, I do not find any merit in this petition. The same is accordingly dismissed.

(Sanjay Dhar)
Judge

SRINAGAR

29.07.2026

Aasif

