

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

CRM(M) 568/2026, CrIM(1322/2026)
CrIM(1321/2026)

NAZIR AHMAD AKHOON AND OTHERS

.....Petitioner(s)

Through: Mr.Sheikh Manzoor, Advocate

V/s

**UNION TERRITORY THROUGH POLICE STATION
KUPWARA AND ANOTHER**

... ..Respondent(s)

Through : None

CORAM:

HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER

04.08.2026

- 1) The petitioners have challenged FIR No.228/2026 for offences under Sections 191(3), 74, 109, 126(2), 35(2) and 329(3) of BNS registered with Police Station, Kupwara.
- 2) As per contents of the impugned FIR, on 27.07.2026 the petitioners trespassed into the compound of the complainant and started hurling abuses upon her. When the complainant objected to it, the petitioners got enraged and they caught hold of the complainant, gave a beating to her, pulled her hair and dragged her on ground. It is further alleged that when son of the complainant namely, Shariq Ahmad Khan tried to rescue her, the petitioners gave a beating to him as well. It has also been alleged that the petitioners were armed with clubs and axes at the time of trespassing into the compound of the complainant and they gave

severe beating to the family members of the complainant, resulting in profuse bleeding to them. It has been further alleged that the petitioners launched an attack upon the complainant and her family members with clubs and axes with a view to commit their murder and the said attack resulted in severe injuries to them.

3) The petitioners have challenged the impugned FIR on the grounds that the complaint has been lodged with a view to wreak vengeance upon them and to pressurize them to settle the dispute relating to right of passage over the immovable property. It has been contended that the allegations made in the impugned FIR are absolutely false and frivolous, as the Revenue Authorities have already confirmed that the petitioners are in lawful ownership and possession of the disputed land and that they have not encroached upon the same. It has further been contended that in the previous past the complainant had lodged another FIR bearing No.180/2026 before this Court which is under challenge in CRM(M) No.459/2026. It has been submitted that the complainant is lodging repeated FIRs against the petitioners with a view to pressurize them.

4) I have heard learned counsel for the petitioners and I have also gone through the record of the case.

5) The legal position with regard to the interference in investigation is well settled. It is only in case it is found that the

allegations made in the FIR/complaint do not disclose commission of a cognizable offence that the High Court can exercise its powers under Section 528 of BNSS to quash the criminal proceedings. The High Court can also exercise its powers under Section 528 of BNSS to quash the criminal proceedings if it is found that the same have been launched as a counter blast with an oblique motive to wreak vengeance upon the accused.

6) In the present case if we have a look at the contents of the impugned FIR, the same clearly disclose commission of cognizable offences. There are allegations that the petitioners armed with clubs and axes trespassed into the compound of the complainant, whereafter they launched fierce attack upon the complainant and her family members resulting in severe injuries to them. Section 109 of the BNS has also been invoked by respondent No.1 while registering the impugned FIR. Therefore, cognizable offences are clearly disclosed against the petitioners.

7) The cause for launching the attack which is subject matter of the impugned FIR may be a land dispute between the petitioners and the complainant party, but that by itself is not a ground to quash the criminal proceedings against the petitioners, once it is shown that the allegations leveled in the FIR disclose commission of cognizable offences. It is the duty of the Investigating Agency to undertake investigation in the case. During the investigation, it is

open to the Investigating Agency to ascertain the veracity of the defence of the petitioners that the allegations in the impugned FIR have been leveled only with a view to pressurize them. But at this stage and in these proceedings the veracity of the defence raised by the petitioners cannot be looked into.

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

(SANJAY DHAR)
JUDGE

SRINAGAR
04.08.2026
Sarveeda Nissar

