

Serial No. 9
Regular Cause List.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM(M) 378/2022
CrlM(1081/2022).

FARHAN HASSAN KHAN.

...Petitioner (s)

Through: Mr. Hakeem Suhail Ishtiyag, Advocate.

VERSUS

IRAM KAUNAIN KAMILI.

...Respondent(s)

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.

ORDER

18-09-2026

01. The respondent has already been set *ex-parte* in terms of Order dated 26th of November, 2025.
02. Learned counsel for the petitioner has submitted that the complaint, and order dated 15th of July, 2021, which are the subject matter of the present petition, were quashed by the Co-ordinate Bench of this Court in CRM(M) No. 265 of 2021, in terms of judgment dated 4th of August, 2022 qua the petitioners therein and the proceedings against the petitioner herein, who also figures as one of the accused in the aforesaid complaint, were not quashed, as he had not filed the petition.
03. Learned counsel has further submitted that the Co-ordinate Bench of this Court, in its judgment dated 4th of August, 2022, has categorically observed that the complainant/respondent has not indicated either in the

complaint or in her preliminary statement as to who amongst the accused had taken over the custody of the articles, nor had she given the particulars of the accused who had refused to return the said articles.

04. To ascertain whether any offence is made out against the petitioner, a perusal of the record reveals that the respondent had filed a complaint alleging commission of offences under Sections 403 and 406 RPC against the petitioner and other accused.

05. The other accused, namely, Adnan Hassan Khan and others, filed a petition bearing CRM (M) No. 265 of 2021, whereby the complaint filed by the respondent as also the order dated 15th of July, 2021, passed by the court of learned Judicial Magistrate 1st Class, (2nd Additional Munsiff), Srinagar, whereby process was issued against the petitioners therein and others, came to be challenged. The Co-ordinate Bench, in terms of judgement dated 4th of August, 2022, quashed the complaint as well as the order whereby process was issued against the petitioners therein. It would be appropriate to take note of the observations made in paragraphs 9 to 11:-

9) If we have a look at the contents of the impugned complaint, in the said complaint, respondent No.2/complainant has alleged that after her marriage with Farhan Hassan Khan, she brought with her articles and gold ornaments which she gave in trust to the accused persons, who, despite demand, failed to return the said articles. She has further alleged that this has created an apprehension in her mind that the accused persons have misappropriated the whole or part of the articles entrusted to them by her. She has also alleged that her husband/accused No.1 wants to desert her and grab her belongings and that other accused are acting at his behest. In her preliminary statement recorded on oath by the Court she has stated that she was thrown out of her matrimonial house by the accused and thereafter she went to her matrimonial house to collect her belongings but the accused persons refused to return those articles/belongings to her. In his report, the enquiry officer has stated that all the belongings of the complainant excepting eight gold coins were found lying in the

room of the complainant in the house of her husband. In the report it has been submitted that for unknown reasons, the relation between the complainant and her husband remained strained.

10) As is clear from the material that was available before the trial Magistrate at the time of passing of the impugned order whereby process has been issued against the petitioners, the complainant has not made any specific assertion as to on which date she had entrusted the articles to the accused. She has not indicated, either in the complaint or in her preliminary statement, as to who amongst the accused had taken over the custody of these articles nor she has given the particulars of the accused who refused to return these articles.

11) In order to lodge a proper complaint, mere mention of the sections and language of these sections is not all that is needed. What is required to be brought to the notice of the court is the particulars of the offences committed by each and every accused and the role played by each and every accused in commission of those offences. When we see the impugned complaint, the same is absolutely vague. It does not show as to what exact role has been played by each of the accused. While in the impugned complaint, it has been alleged that the husband of the complainant intends to grab her property but no specific allegations have been made by her against other accused i.e. the petitioners herein.

06. The complaint filed by the respondent was quashed against the petitioners in CRM(M) No. 265 of 2021 on the ground that the complaint was absolutely vague and did not disclose the exact role played by each of the accused. It was also observed that the respondent had not indicated either in the complaint or in her preliminary statement as to who amongst the accused had taken over the custody of the articles, nor had she given particulars of the accused who had refused to return the said articles.

07. The only specific allegation against the petitioner is that the respondent was dragged out of the matrimonial home by the other accused on the direction of the petitioner, as he wanted to desert her and grab her belongings.

08. The reasons assigned by the learned Co-ordinate Bench while quashing the complaint and order dated 15th of July, 2021, apply to the case of the

present petitioner as well. The judgement dated 4th of August, 2022, passed by the Co-ordinate Bench, has attained finality and has not been impugned by the respondent, as submitted by learned counsel for the petitioner.

09. In view of the above, this Court is of the considered view that the allegations levelled against the petitioner and the petitioners in CRM (M) No. 265 of 2021 were similar and there are no specific allegations against the petitioner, which may warrant continuation of the proceedings against him.

10. For the reasons mentioned above and assigned in judgement passed in CRM (M) No. 265 of 2021, the present petition is ***allowed*** and the proceedings arising out of the impugned complaint as also the order dated 15th of July, 2021, whereby process was issued against the petitioner for commission of offences under Sections 403 and 406 RPC, are hereby quashed.

11. ***Disposed*** of along with connected CrIMs.

12. A copy of this order be sent to the learned trial Magistrate for information.

(Rajnish Oswal)
Judge

SRINAGAR
18-09-2026
Showkat Khan