

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

CCP(S) 290/2026 in [CRM(M) 73/2026]

Nighat Khuroo and another

...Petitioners

Through: Mr. Mouzin Nissar, Advocate
Vs.

Waseem Jahangir (Station House Officer)

...Respondent

Through: Mr. Haris Khan, Assisting Counsel

CORAM:

HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

1. The petitioner, who is an accused in FIR No. 12/2026 registered at Police Station Batamaloo, Srinagar, had sought quashment of the said FIR by way of CRM(M) No. 73/2026. In the said proceedings, a Coordinate Bench of this Court, vide order dated 25.02.2026, stayed further proceedings pursuant to the FIR, including presentation of the challan. The interim order was thereafter extended from time to time.
2. The grievance projected by the petitioner in the present contempt petition is that, notwithstanding the subsistence of the aforesaid interim direction restraining presentation of the challan in FIR No. 12/2026, the respondent-SHO, Police

Station Batamaloo proceeded to present the challan before the Court of the learned Chief Judicial Magistrate, Srinagar, on 02.05.2026. According to the petitioner, such conduct constitutes a deliberate and wilful disobedience of the directions passed by this Court and, therefore, renders the respondent liable to be proceeded against for contempt.

3. Notice was issued to the respondent, requiring his appearance before this Court.
4. When the matter was taken up in the first half of the day, the SHO of the Police Station concerned was directed to remain personally present before the Court along with the relevant case diaries. Counsel for the respondent, submitted that although the order dated 25.02.2026 was within the knowledge of the respondent, there existed a cross-FIR bearing No. 11/2026, registered at the instance of the opposite party, which was also being investigated by the respondent. The said FIR was the subject matter of CRM(M) No. 151/2026, wherein a Coordinate Bench of this Court, vide order dated 03.04.2026, directed that the challan, if any, arising out of FIR No. 12/2026 be put to trial along with the charge-sheet stated to have already arisen out of FIR No. 11/2026, and that both matters be assigned, in accordance with law, to the Court of the competent Judicial Magistrate First Class for simultaneous trial.

5. Learned counsel for the respondent submitted that, in view of the aforesaid direction dated 03.04.2026, the respondent understood that the charge-sheet arising out of FIR No. 12/2026 was required to be presented so that both cross-cases could be tried simultaneously before the same Court. It was, therefore, contended that the presentation of the charge-sheet was not actuated by any intention to disregard or disobey the order of this Court and, consequently, no case of wilful disobedience is made out against the respondent.
6. It was further submitted by learned counsel for the respondent that, as is evident from the order dated 08.05.2026 passed in CRM(M) No. 74/2026, this Court had already been apprised of the fact that FIR No. 12/2026 had culminated in the filing of a charge-sheet. According to learned counsel, no illegality could, therefore, be attributed to the Investigating Officer in presenting the charge-sheet, particularly when the order dated 03.04.2026 contemplated simultaneous trial of the proceedings arising out of FIR Nos. 11/2026 and 12/2026 before the same Court.
7. The counsel for the petitioner, however, controverted the aforesaid submissions. It was argued that the order dated 03.04.2026 did not contain any direction requiring the Investigating Officer to present a charge-sheet in FIR No.

12/2026. The direction, according to the petitioner, was confined to providing that the final report/challan, *if any*, arising out of FIR No. 12/2026 would be put to trial along with the charge-sheet already stated to have arisen out of FIR No. 11/2026, and that both matters would be assigned to the same Court for disposal in accordance with law. It was, thus, urged that the order dated 03.04.2026 could not have been construed as modifying or vacating the interim protection granted vide order dated 25.02.2026.

8. Heard the counsel for the parties and perused the record, including the case diaries produced before the Court.
9. The controversy has to be appreciated in the backdrop of the fact that there are cross-FIRs between the parties. Vide order dated 03.04.2026, this Court had specifically directed that the final report, if any, arising out of FIR No. 12/2026 be put to trial along with the charge-sheet stated to have arisen out of FIR No. 11/2026. The position was further clarified by the subsequent order dated 25.05.2026.
10. It is true that the earlier order dated 25.02.2026 operated as a restraint against presentation of the charge-sheet in FIR No. 12/2026. However, after passing of the order dated 03.04.2026 in CRM(M) No. 151/2026, the Investigating Agency construed the subsequent direction as requiring

presentation of the charge-sheet in FIR No. 12/2026, so as to facilitate simultaneous trial of both cross-cases before the same Court.

11. In contempt jurisdiction, what assumes significance is not merely whether there has been a technical departure from an order of the Court, but whether such departure amounts to deliberate and wilful disobedience. Viewed in the context of the subsequent order dated 03.04.2026 and the manner in which the respondent understood the said direction, the act of presenting the charge-sheet cannot be regarded as a deliberate or contumacious attempt to overreach the order dated 25.02.2026. The counsel for the petitioner sought to contend that the expression “final report/challan, if any” occurring in the order dated 03.04.2026 necessarily presupposed that a challan could be presented only if otherwise permissible in law and that the said order could not be read as authorising presentation of a charge-sheet in the face of the subsisting restraint contained in the order dated 25.02.2026.

12. This submission, however, does not persuade this Court to invoke its contempt jurisdiction. The order dated 03.04.2026 cannot be read in isolation or by placing undue emphasis upon a particular expression employed therein. It has to be understood in its entirety and in the context in which it came to

be passed. The evident object of the direction was to ensure that the proceedings arising out of the cross-FIRs were placed before the same Court and tried simultaneously. Such simultaneous trial necessarily contemplated that proceedings arising out of both FIRs would be brought before the competent Court.

13. In these circumstances, even if the interpretation placed by the respondent upon the order dated 03.04.2026 were to be regarded as erroneous, such interpretation cannot, in the facts and circumstances of the case, be characterised as wilful or deliberate disobedience of the order of this Court. The material on record does not disclose the requisite element of contumacious conduct so as to warrant initiation or continuation of proceedings in contempt. For the foregoing reasons, no case for proceeding against the respondent for contempt is made out. Accordingly, the contempt petition is closed and the CD file retained by this Court shall be returned back.

(SANJAY PARIHAR)
JUDGE

Srinagar
31.08.2026
N Ahmad

<i>Whether the order is speaking:</i>	<i>Yes</i>
<i>Whether the order is reportable:</i>	<i>Yes</i>