

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

CRM No. 758/2026
CrIM No. 1720/2026
CrIM No. 1719/2026

Shabir Ahmad Khanday

...Appellant(s)/Petitioner(s)

Through: Mr. Hussain Rashid, Advocate

Vs.

UT of JK and Another

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
18.09.2026

1. The petitioner seeks quashing of FIR No. 117/2026 dated 10.09.2026, registered for offences punishable under Sections 69, 316, 318 and 351 of the Bharatiya Nyaya Sanhita, 2023 (BNS), on the ground that he has been falsely implicated. It is contended that, even if the allegations contained in the complaint are taken at their face value, they do not disclose the commission of an offence under Section 69 BNS, inasmuch as there is no allegation that the petitioner had sexual intercourse with the complainant by employing deceitful means. It is further urged that there is a growing tendency to invoke criminal proceedings when consensual relationships turn acrimonious.

2. The case projected by the petitioner is that he and the complainant were in a consensual relationship which subsequently turned sour, resulting in the registration of the aforesaid FIR. The petitioner is stated to be serving in the Police Department and is married with children. According to him, the complainant was also married since 2002 and has two children. It is, therefore, contended that there was no possibility of marriage between the parties and, consequently, no occasion for the petitioner to have extended any promise of marriage to the complainant. It is further submitted that such a marriage would, in any event, not have been feasible, the petitioner himself being married and having four children.

3. The allegations contained in the FIR, however, present a different account. The complainant has categorically alleged that the petitioner induced her to enter into and continue a sexual relationship with him on the promise that he would marry her. The petitioner, being a government employee, was governed by the applicable service rules. Though it is asserted that the personal law applicable to him may permit a second marriage, being a public servant, he could not have contracted such marriage without obtaining the requisite permission from his employer. In this backdrop, the allegations made by the complainant cannot, at this stage, be brushed aside as a case of false implication. The complainant has alleged that, for nearly eight years, the petitioner maintained a sexual relationship with her on the assurance of

marriage and that, acting upon such assurance, she ultimately obtained a legal divorce from her former husband in the year 2026.

4. The complainant has further alleged that, after obtaining her consent on the basis of the aforesaid assurance and inducing her to alter her marital status, the petitioner deceitfully resiled from his promise. According to her, he thereafter blocked all communication with her and completely disassociated himself from her. It is also alleged that, after she obtained divorce from her former husband, the petitioner took her to his residence, where she stayed for about four days, but was thereafter turned out by members of his family. The gravamen of the allegations, therefore, is that the complainant was systematically deceived, cheated and sexually exploited by the petitioner on the assurance that he would marry her.

5. Having regard to the nature of the allegations noticed above, when confronted with the same, learned counsel appearing for the petitioner fairly submitted that he would not press the present petition at this stage and would await the outcome of the investigation. He, however, sought liberty to avail of such remedy as may be available in law to challenge the proceedings, including the investigation and/or the charge-sheet, should the occasion so arise.

6. In view of the aforesaid submission, the present petition is dismissed as not pressed at this stage, with liberty to the petitioner to avail of an appropriate remedy in accordance with law, should a

fresh cause of action arise upon completion of the investigation or otherwise.

7. The petition is, accordingly, **dismissed** as not pressed, along with all connected CrLM(s).

(SANJAY PARIHAR)
JUDGE

Srinagar
18.09.2026
“Imtiyaz”

