

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

CRM(M)/566/2022

ISHFAQ AHMAD GANIE

...Appellant/Petitioner(s)

Through: None

Vs.

UNION TERRITORY THROUGH
SUPERINTENDENT DISTRICT JAIL
ANANTNAG AND ORS.

...Respondent(s)

Through: Mr. Murtaza Qayoom, Advocate

CORAM:

HON'BLE MR JUSTICE SANJAY PARIHAR, JUDGE

ORDER

24.04.2026

1. None appears for the petitioner. By way of the present petition filed under Section 482 CrPC, the petitioner seeks quashing of FIR No. 78/2022 registered under Section 366 RPC at the instance of respondent No. 2, along with all consequential proceedings arising therefrom.
2. At the stage of initial consideration, vide order dated 22nd December 2022, this Court had directed that investigation in the impugned FIR shall remain stayed; however, the Investigating Officer was permitted to record the statement of the victim under Section 164 CrPC.
3. Perusal of the status report reveals that the FIR in question came to be registered on the basis of an alleged incident dated 03.11.2022. During the course of investigation, the prosecutrix was recovered and subjected to medical examination, which resulted in the addition of offence under Section 376 IPC. Her statement under Section 164 CrPC was recorded on 12.11.2022. Upon completion of investigation and on the basis of material collected, including the medical report, offences under Sections 376/109 IPC were invoked. The case stands challaned against two accused persons for commission of offences punishable under Sections 366/376/109 IPC. It is further indicated that offences under Sections 366 and 376 IPC have prima facie been established against the main accused.

4. On the previous date of hearing, learned counsel for the petitioner submitted that the victim has turned hostile and is presently residing with the petitioner, and on that basis sought quashing of the proceedings.
5. Having considered the material on record, this Court finds no merit in the contention advanced on behalf of the petitioner. It is well settled that the inherent jurisdiction of this Court under Section 482 CrPC is to be exercised sparingly and only in cases where the allegations, on the face of the record, do not disclose the commission of any offence or where the proceedings are manifestly attended with mala fide. The mere fact that the victim has allegedly turned hostile does not ipso facto render the prosecution case false. The reasons for a witness, particularly a victim in such cases, turning hostile can be varied and cannot be conclusively assessed at this stage.
6. Furthermore, the investigation in the present case has culminated in the filing of a charge-sheet, and the trial has already commenced, wherein the victim has also been examined. At such an advanced stage, the scope of interference by this Court stands significantly curtailed. The appreciation of evidence and determination of the effect of any hostile testimony squarely falls within the domain of the Trial Court.
7. It is also noteworthy that the petitioner has not been diligent in prosecuting the present petition and has remained evasive in pursuing the matter. In view of the nature and gravity of the allegations, coupled with the stage at which the case presently stands, this Court is of the considered opinion that no useful purpose would be served by keeping the present petition pending. The petitioner is, however, at liberty to avail such remedies as may be available to him under law before the Trial Court.
8. Accordingly, the present petition is dismissed. The Trial Court shall proceed with and conclude the trial expeditiously, in accordance with law.
9. Interim direction(s), if any, subsisting as on date, shall stand vacated.

(SANJAY PARIHAR)
JUDGE

SRINAGAR
24.04.2026
Shabroz