Sr. No. 28

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

CRM(M) No. 740/2025
CrlM No. 1396/2025

Khadam Hussain and Ors. ….. Petitioner(s)/ Appellant(s)

Through: Mr. Waqar Hussain Shah, Advocate vice
Mr. Arshad Majid Malik, Advocate

vs

UT of J&K and Ors. ….. Respondent(s)

Through: Mr. Bhanu Jasrotia, GA

Coram: HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

ORDER
22.04.2026

01. Petitioners have invoked inherent jurisdiction of this Court for the quashment of FIR No.0045/2025 for offences under Sections 64, 74, 49, 304, 115(2), 351(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS "for short") registered with Police Station Darhal, primarily on the ground that contents of the FIR even if taken on their face value would not disclose the commission of any offence against them.

02. As the prosecution story would unfurl on 27.07.2025, respondent No.3 lodged a written report with Police Station, Darhal against the petitioners alleging *inter alia* that on 14.06.2025 at about 2200 hours, her husband along with accused No.3 and 4 came to her house under the influence of intoxicants and started bearing her with kicks, fists and blows, forcibly tied her hands and feet with rope, covered her face with her dupatta and committed sexual intercourse in unnatural manner. She further alleged that accused No.3 and 4 also caught hold her from breasts and tried to rape her. Accused No.6 and 7 were also involved in the conspiracy. On the receipt of this report, impugned FIR came to be registered.

03. High Court in exercise of its inherent jurisdiction is vested with the power to prevent the abuse of the process of any Court or otherwise to secure the ends of justice. However, it is settled that in case the contents of the FIR or the complaint, as the case may be, *prima facie* disclose the commission of a cognizable offence(s), investigation cannot be scuttled at the threshold.

04. A perusal of the status report reveals that during investigation, the investigating agency has not only got statement of the prosecutrix recorded under Section 183 BNSS but it also got material witnesses examined under Section 180 BNSS. Medical report of the complainant has also been obtained. As per latest status of investigation offences have been established against the petitioners.

05. It is evident, as such from the status report that FIR *prima facie* discloses the commission of cognizable offences against the petitioners. Hence, this petition is dismissed along with connected application(s).

06. Interim direction, if any, shall stand vacated.

(Rajesh Sekhri)
Judge

Jammu
22.04.2026
Riya Kochhar

Whether the order is speaking? **Yes/No**

Whether the order is reportable? **Yes/No**