Sr. No.34

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

CRM(M) No. 1132/2025
CrlM No. 2112/2025

Sameer Sharma

.....Petitioner(s)

Through: Mr. Sunil Sethi, Sr. Advocate with
Mr. Navyug Sethi, Advocate

Vs

UT of J&K & Anr.

.....Respondent(s)

Through: None for R-1.
Ms. Anna Durrani, Advocate for R-2.

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
(21.11.2026)

01. The instant petition has been filed seeking quashment of FIR 166 of 2025 dated 13.10.2025, registered at Police Station, Janipur, for offences punishable under Sections 126(2), 115(2), 351(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (BNS).

02. This Court, vide order dated 07.11.2025, while issuing notice to the respondents, permitted respondent No.1-SHO, Police Station, Janipur, Jammu to proceed with the investigation in the impugned FIR, subject to condition that the final report/challan shall not be presented before the competent court without prior permission of this Court.

03. Respondent No.1 has informed this Court that the case FIR was lodged, pursuant whereof investigation initiated and during

the course of investigation, it was found that on the alleged date of occurrence, no occurrence has taken place at Roop Nagar, Jammu, so no such incident as alleged in the FIR has been established. It appeared that the complainant for no reasons lodged a false FIR and no offence has been proved against the accused, thus the investigation has been proved as not admitted.

04. It is contended by learned Sr. counsel for the petitioner that he would be satisfied, in case, this petition is disposed of with a direction to respondent No.1-Station House Office, Police Station, Janipur Jammu to file the closure report before the competent Court of law; with a further direction to proceed in the matter and decide the same in accordance with law.

05. On the other hand, learned counsel for the complainant vehemently contended that the closure report is nothing but a sheer abuse of process of law and the investigation agency has not bothered to appreciate the case of the complainant and witnesses, which the complainant had produced before the Investigating Officer.

06. Be that as it may, once the case FIR No.166 of 2025 in terms of the report filed by the respondent No.1 has been found not admitted, so in terms of the procedure, the closure report is required to be laid before the Judicial Magistrate empowered to take cognizance on such report and once the closure report is laid, the complainant has every right to rebut that report and in case, need arises, he may file protest petition as well.

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07. In that background, this petition is, disposed of, by directing the Investigating Agency to file the closure report before the ld. Judicial Magistrate empowered to take cognizance within a period of four weeks from the date of receipt of copy of this order, whereafter the Magistrate so empowered in this regard shall proceed and dispose of the closure report in accordance with law, after hearing the complainant as the case may be.

08. Disposed of above along with connected CrlM.

(SANJAY PARIHAR)
JUDGE

JAMMU
21.11.2026
Surinder

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सत्यमेव जयते

Surinder Kumar
2026.11.23 15:04
I attest to the accuracy and
integrity of this document