Sr. No. 137

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(Crl) No. 123/2026

Mohd. Asif Khan, aged 30 …. Petitioner/Appellant(s)
S/O Zahid Ali Khan
R/O Mankote, District Poonch

Through:- Dr. Musavir Mir, Advocate

V/s

1. Union Territory of Jammu and Kashmir through Director General of Police, Jammu/Srinagar. …..Respondent(s)
2. Senior Superintendent of Police, District Poonch.
3. Station House Officer (SHO), Police Station, Mendhar, Poonch.
4. Rahman Ali
   S/O Mohd. Akram
   R/O Mankote Poonch.
5. Afsana Anjum Khan,
   D/O Ashfaq Ahmad Khan,
   R/O Mankote, District Poonch.

Through:- Ms. Nazia Fazal, Assisting counsel to
Mrs. Monika Kohli, Sr. AAG

CORAM: HON'BLE MR. JUSTICE M.A. CHOWDHARY, JUDGE

ORDER

06.11.2026

1. Petitioner, through the medium of this petition under Article 226 of the Constitution of India, seeks direction to respondent No. 3 i.e., Police Station, Mendhar Poonch, to proceed on the complaint of petitioner and

lodge FIR under the relevant provisions of law against respondent Nos. 4 & 5. It is contended that the petitioner was legally married to respondent No. 5 on 07.03.2024 and that his wife-respondent No. 5, went missing from their matrimonial home on 27.10.2026, and after two days, he came to know that she was enticed away and had contracted another marriage with respondent No. 4, without seeking divorce from the petitioner.

2. Learned counsel for the petitioner submits that the petitioner had approached the concerned police for taking appropriate legal action, however, despite the fact that his wife had allegedly contracted second marriage during the subsistence of her earlier marriage with the petitioner, the police had not registered a case against her.

3. He further submits that respondent Nos. 4 and 5 had approached the Srinagar Wing of this Court through WP(C) No. 2735/2026, seeking protection, which was disposed of by a Coordinate Bench vide order dated 31.10.2026, by providing that *the official respondents shall look into the grievance of the petitioners for providing adequate security and ensure that nobody interferes in their married life. It is made clear, that no opinion has been expressed with regard to the validity of their marriage*.

4. Learned counsel for the petitioner submits that the petitioner shall be satisfied if, the petition is disposed of at this stage, with a direction to the concerned police to register a case and investigate the matter, in case, it is found that the petitioner's wife had contracted another marriage with respondent No. 4 during the subsistence of her marriage with the petitioner.

5. Learned counsel for the official respondents submits that they are not averse to this plea of the learned counsel for the petitioner.

6. Passing of a direction, in a protection matter, does not determine the rights of the parties. The investigating agency is not debarred from looking into a complaint, against any of the persons seeking protection, if an offence is constituted on disclosure, by a complainant. Protection order cannot be a blanket licence to commit any offence or to screen the offender. If a married woman performs second marriage, during subsistence of early marriage, it constitutes an offence.

7. In view of the pleading and submissions made by learned counsel for the petitioner, this petition is ***disposed of*** at this stage, directing the concerned police to register a case and proceed in the matter, in case some cognizable offences is disclosed on the compliant of the petitioner, on lodging a formal complaint with the concerned Police Station within one weeks' time from today, for doing the needful.

8. This petition is, accordingly, disposed of.

(M.A. Chowdhary)
Judge

Jammu:
06.11.2026
Rahul Sharma