Serial No. 06

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

CM No. 543/2026 in
HCP No. 166/2025

Vikas Sharma

.....Applicant/Petitioner

Through: Mr. Navyug Sethi, Advocate

Vs

UT of J&K & Ors.

.....Non-applicants/Respondents

Through: None

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

ORDER

(09.02.2026)

CM No. 543/2026

01. This is an application filed by the applicant/petitioner seeking appropriate directions in the above titled petition.

02. Heard and considered.

03. Learned counsel for the applicant/petitioner submits that pursuant to order dated 30.12.2025 passed by this Court, FIR stands registered which has been numbered as 05/2026 for offences under Sections 87/351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 with Police Station, Sunderbani, District Rajouri.

04. According to the petitioner, during the interregnum period the petitioner and the private respondents have settled the matter and the private respondents do not intend to pursue the criminal prosecution against the petitioner but because the FIR has been registered under the directions of this Court, as such, there may be impediment for the parties to settle the matter so as to seek quashment of the FIR.

05. So far as the lodging of FIR pursuant to directions of this Court is concerned, the Investigating Agency has to follow the law and merely because the FIR has been registered at the instance of this Court, it is not incumbent upon the Investigating Agency to necessarily file a chargesheet against the petitioner. Similarly, if a case of quashment of the FIR is made out, the order dated 30.12.2025 cannot come in the way of the concerned court.

06. In view of the aforesaid clarification, the application **CM No. 543/2026** is disposed of and it is provided that order dated 30.12.2025 passed in the present petition shall not come in the way of either the Investigating Agency in proceeding with the investigation in accordance with law or in the way of quashment of the FIR, if a case is made out for the same.

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07. Since the corpus has already been allowed to leave with her parents in terms of order dated 30.12.2025, as such, no further proceedings are required to be taken in the main petition viz., **HCP No. 166/2025**. The same is accordingly, ***disposed of***.

(SANJAY DHAR)
JUDGE

JAMMU
09.02.2026
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