Serial No. 108
Supplementary Cause List-I

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

CRM (M) No. 966/2026
CrlM No. 2194/2026

Mehraj Din Shah **…Petitioner(s)**

Through:
Mr Sahil Parvez Kachroo, Advocate.

V/s.

Union Territory of Jammu & Kashmir and Anr. **...Respondent(s)**

Through:

CORAM:
Hon'ble Mr Justice Shahzad Azeem, Judge.

ORDER
13.11.2026

01. The Petitioner seeks quashing of FIR No. 42/2026 registered at Police Station Sheergarhi, Srinagar dated 29th of July, 2026 for the commission of offences under Sections 318 (4), 319 (2), 336 (3), 336 (4) and 340 (2) of the Bharatiya Nyaya Sanhita, 2023 [BNS].

02. The principal ground of challenge is that the name of the Petitioner did not figure either in the initial complaint or in the impugned FIR; therefore, his subsequent implication in the FIR is bad in law.

03. Heard learned Counsel for the Petitioner.

04. Although the precise ground on which the challenge is founded by the Petitioner to the impugned FIR is that initially his name did not surface either in the complaint or in the FIR and, therefore, the police cannot proceed against him in the FIR, at the same time, the Petitioner admits that he has been granted bail in the said FIR, which is the subject matter of challenge.

05. It appears that a complaint came to be filed by one Amir Ahmad Ganai S/O Mohammad Sultan Ganai R/O Chadoora, Budgam, with a prayer that he had come across a fake order, whereby he was shown to have been engaged as an SPO and, therefore, he sought appropriate action under law. On receipt of the complaint, an inquiry appears to have been

conducted and, on the basis of the said inquiry, the alleged complicity of the Petitioner was found in the commission of alleged offences.

06. It is trite that once the police are in receipt of information relating to commission of cognizable offence(s), it is their statutory duty to lodge FIR and to investigate the matter, and same cannot be stifled, unless bias is shown or there is complete absence of material. However, the investigation cannot be scuttled midway, as it is settled law that FIR is not the encyclopedia and it is always subject to collection of requisite material. If, upon completion of investigation, the ingredients of the alleged offences are not made out, the law shall take its course.

07. For the reasons aforesaid, this Petition is found to be premature. It is, accordingly, **dismissed** in *limine*, together with the connected CrlM.

(Shahzad Azeem)
Judge

SRINAGAR:
November 13th, 2026
"TAHIR"



Tahir Manzoor Bhat
I attest to the accuracy and
authenticity of this
document