

**IN THE COURT OF SPECIAL MOBILE MAGISTRATE (PASSENGER TAX), JAMMU**

**PRESENT:-JYOTI BHAGAT**

**JO CODE:-JK00215**

**Case No. Complaint/9800/2026**

**CNR No:-JKJM030098022026**

**D.O.I:-01.07.2026**

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Kailasha Devi W/o Romesh Kumar R/O Village Shangroo, Tehsil Doda, District Doda,  
A/P Bantalab, Jammu

**(Applicant)**

**Through :- Advocate Deepali Arora**

**v.**

1. Nikhil Kumar S/o Sh. Anil Kumar R/o Village Gurah Brahmana, Jammu
2. Vicky Mehra S/o Sh. Ravinder Kumar R/o Jawahar Nagar, New Plot, Jammu
3. Romesh Chander S/o Sh. Daya Ram R/o Gurah Brahmana, Jammu
4. Dushyant Kumar @ Dushyant Laknotra S/o Sh. Romesh Chander R/o Laknotra Mohalla, Jammu

**(Respondents)**

**IN THE MATTER OF:** An application under section 175 BNS to issue direction to SHO, P/S Domana, Jammu to investigate the matter and lodge FIR against the accused persons for commission of offences u/s 74, 75, 115, 126, 329, 351 read with section 3(5) of BNSS, 2023.

**CORAM :- Jyoti Bhagat**

**JO Code: JK00215**

**ORDER**

1. The instant application has been received by way of transfer from the court of Ld. CJM Jammu for its disposal under law on 01.07.2026. Be numbered and diarized.
2. Brief facts presented in the application are that the applicant/complainant is a law-abiding citizen and is constrained to invoke the jurisdiction of this Court by way of the present application seeking appropriate directions to the police authorities for the registration of an FIR and for ensuring a fair, impartial and time-bound investigation into the serious and cognizable offences committed by the accused persons, inasmuch as despite repeated approaches and representations made to the competent police authorities, no action whatsoever has been taken till date, thereby compelling the applicant to seek judicial intervention. Complainant/applicant Kailasha Devi is the mother of Smt. Veerta Devi W/o Sh. Ramesh Kumar R/o Village Shangroo, Tehsil Doda, District Doda, presently

  
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residing at Bantalab, Jammu. The daughter of the complainant/applicant is absolute owner in lawful possession of land measuring 06 marlas falling under Khasra No. 172, Khata No. 71 and Khewat No. 8 situated at Village Gurah Brahmana, Tehsil Jammu North, District Jammu. The said land was validly and lawfully purchased by the daughter of the complainant by virtue of a registered sale deed and pursuant thereto, the mutation has been duly attested in her favour and her name stands reflected in the revenue record, including girdawari entries, thereby establishing her lawful ownership and possession. Daughter of the complainant/applicant Veerta Devi intending to raise construction over the said land, has also obtained the requisite site plan and permissions from the competent authority and had commenced construction activities in accordance with law. It is further submitted that due to persistent illegal interference, obstruction and threats extended by the accused persons and their associates, the daughter of the complainant (Veerta Devi) was constrained to approach the competent Civil Court by way of a suit for permanent prohibitory injunction. The Hon'ble Court, after considering the material placed on record and finding a prima facie case in favour of the daughter of complainant/applicant, was pleased to grant interim relief restraining the defendants from interfering with the peaceful possession and construction over the suit property. The said order continues to remain in force and is binding upon the accused persons, who had full knowledge. Despite the subsistence of the aforesaid court order, the accused persons namely Nikhil Kumar S/o Sh. Anil Kumar R/o Village Gurah Brahmana, Jammu, Vicky Mehra S/o Sh. Ravinder Kumar R/o Jawahar Nagar, New Plot, Jammu, Romesh Chander S/o Sh. Daya Ram R/o Gurah Brahmana, Jammu, Dushyant Kumar @ Dushyant Laknotra S/o Sh. Romesh Chander, Jammu acting in furtherance of their common intention and with a deliberate and premeditated design to dispossess the complainant/applicant and her daughter unlawfully trespassed upon the aforesaid land on 20.05.2026 at a time when the complainant, her brother namely Ayush Manhas were present at the site supervising the construction work. Immediately upon entering the land, the accused persons started abusing the complainant/applicant in filthy, vulgar and highly derogatory language, which is not only un-parliamentary but also deeply offensive to the dignity of a woman. The conduct of the accused persons thereafter escalated into physical violence, wherein they assaulted the complainant in a most shameful and unlawful manner, caught hold of the complainant/applicant, forcibly tore her dupatta and touched her inappropriately, thereby outraging her modesty. The said acts of the accused persons constitute a grave violation of the bodily integrity, dignity and honour of the complainant/applicant and are punishable under the law. The accused persons, in continuation of their unlawful conduct, mercilessly beat the complainant/applicant, as a result of which complainant sustained multiple injuries on various parts of her body. Due to the severity of the injuries, the complainant had to be immediately taken for medical treatment and was hospitalized. The medical records evidencing the injuries sustained by the complainant are annexed herewith for the kind perusal and clearly corroborate the occurrence of the incidence and the assault inflicted upon her. The injuries on chest and other parts of body reveals the conduct of accused persons that they touched the

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complainant in such shameful manner which outraged the modesty of the women. Initially she was admitted in Govt. Hospital Sarwal but in view of the severe injuries sustain by her, she was referred to Govt. Medical College Jammu. The accused persons extended serious threats to the complainant/applicant, and her brother, who were also illegally put to wrongful confinement by the goons of accused persons, warning them of dire consequences, including threats to her life, threatened to tape the daughter of complainant in case she continued the construction work or pursued legal remedies against them. The entire incident created an atmosphere of fear, intimidation and panic in the locality and was witnessed by persons present in the vicinity, thereby further substantiating the allegations made herein. Acts committed by the accused persons clearly disclose the commission of cognizable offences punishable under the provisions of the Bharatiya Nyaya Sanhita, 2023, including offences under Section 74 relating to assault or use of criminal force to a woman with intent to outrage her modesty, Section 75 relating to sexual harassment, Section 115 relating to voluntarily causing hurt, Section 126 relating to wrongful restraint, Section 329 relating to criminal trespass, Section 351 relating to criminal intimidation, read with Section 3(5) pertaining to acts done by several persons in furtherance of common intention. The conduct of the accused persons is wholly illegal, malicious and aimed at forcibly dispossessing the complainant/applicant from her lawfully owned property in utter disregard of a subsisting court order, while simultaneously subjecting her to physical violence, humiliation and intimidation. The applicant/complainant has also filed proper complaint before the Station House officer Domana Jammu with a request to take necessary action against the accused persons for commission of offences mentioned hereinabove. The concerned SHO forwarded the said complaint to Incharge Police Post Chinore to deal the matter under law and report the same but despite those police authorities has failed to take any legal action warranted under law against the accused which compelled the complainant to file application/complaint before Senior Superintendent of Police Jammu through registered post dated 15/6/2026. Despite the clear disclosure of cognizable offences of a serious nature, the police authorities have failed and neglected to perform their statutory obligation of registering an FIR, thereby compelling the applicant to invoke the jurisdiction of this Court under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, for issuance of appropriate directions. Inaction on the part of the police authorities is wholly illegal, arbitrary, unjustified, and contrary to the settled principles of law which mandate that whenever information disclosing commission of a cognizable offence is laid before the police, registration of FIR is mandatory, and failure to do so not only defeats the ends of justice but also erodes public confidence in the rule of law. Lastly prayed for issuing direction to SHO P/S Domana, Jammu for lodging of FIR against the above said accused person.

3. Consequent upon the presentation of application, SHO P/S Domana, Jammu was directed to file action taken report and in compliance to the direction of court, IC PP Chinore filed action taken report and stated that both parties have land dispute and filed cases against

  
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each other on the basis of land disputes. Further, matter is pending for inquiry and sough time of 15 days to inquire the matter.

4. Heard Ld. counsel of the Applicant and perused the contents of the application as well as material placed on record carefully and also considered the submission made by the applicant in the application. Taking into account the nature of allegations levelled in the application and also facts and circumstances of the case set up by the applicant and action taken report, it is established that no action has yet taken by the police on the application filed by the applicant. Moreover, from the bare perusal of the contents of the application filed before SHO PS Domana as well before this court, prima-facie cognizable offences appear to have been committed which are required to be investigated. Moreover, the applicant has already exhausted remedies provided under Section 173 BNSS. As such, the present application under section 175 (3) BNSS is allowed and SHO PS Domana is directed to investigate the matter according the provisions of law. Let a copy of this order along with a copy of application/complaint shall be served upon SHO PS Domana for compliance and information.
5. Application is disposed of and shall be consigned to record after its due completion under rules.

**ANNOUNCED: -**

**11.07.2026**

**(JYOTI BHAGAT)**

**SPECIAL MOBILE MAGISTRATE**

**(PASSENGER TAX)**

Special Judicial Mobile Magistrate

JAMMU

JAMMU