

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

CRM(M) 105/2026 CrIM(238/2026)

Ghulam Mohammad Dar and Others

...Petitioner(s)

Through: Mr. G.M. Shah, Advocate

Vs.

**Union Territory of J&K Th. S.H.O
P/S Shopian and Anr.**

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER

09.03.2026

1. The respondent No. 2-Haleema Bano by resorting to section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, (BNSS), 2023 approached the Court of Chief Judicial Magistrate, Shopian bearing a prayer in her said application for a direction unto the Officer Incharge of Police Station, Shopian to register a First Information Report (FIR) on the basis of her complaint dated **18.09.2025** and to investigate the matter in accordance with law.

2. Said application under section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, (BNSS), 2023

came to be preferred by the respondent No. 2-Haleema Bano on **29.09.2025** which came to be assigned by the Court of learned Chief Judicial Magistrate, Shopian to the Court of Additional Special Mobile Magistrate, (Judicial Magistrate 1st Class), Shopian which in turn by virtue of an order dated **12.02.2026** came to forward the said application of the respondent No. 2-Haleema Bano to the SHO Police Station, Shopian for lodgment of FIR against the non-applicants named in said application as accused and to undertake investigation.

3. With effect from **29.09.2025** the date of its transfer to the Court of the Additional Special Mobile Magistrate, (Judicial Magistrate 1st Class), Shopian till passing of order dated **12.02.2026** what was the proceeding being ascribed to said application of the respondent No. 2-Haleema Bano is not forthcoming from the order dated **12.02.2026**.

4. Nevertheless, acting on the basis of the direction so given in the order dated **12.02.2026** from the end of the Additional Special Mobile Magistrate, (Judicial Magistrate 1st Class), Shopian, the Police Station, Shopian came to register FIR No. **17/2026** dated **20.02.2026** that is after eight days of passing of order

dated **12.02.2026** for alleged commission of offences under sections 333, 74, 329(3), 324(2), 307, 191(2), 191(3) and 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 by purportedly referring the date of incident to be **16.09.2025** and the complainant being the respondent No. 2-Haleema Bano.

5. Fourteen petitioners with petitioner No.1-Ghulam Mohammad Dar being 86 years of age find themselves named in said FIR as accused.

6. The petitioners reckon the act on the part of the respondent No. 2-Haleema Bano in getting the registration of FIR against them as mala fide both on facts as well and in law and, therefore, invokes the inherent powers of this Court under section 528 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS), 2023.

7. *Prima facie* case is made out.

8. Issue notice to the respondents.

9. Notice in CrIM No. 238/2026.

10. Petitioners to furnish registered postal covers within a period of seven days, whereupon notices to go to the respondents.

11. List again on **13.04.2026**.

12. In the meantime, investigation in the case shall remain stayed. This order is, however, subject to objections from the other side.

13. Furthermore, the Court of Additional Special Mobile Magistrate, (Judicial Magistrate 1st Class), Shopian, is directed to send the record of the application titled **“Haleema Bano Vs. Ghulam Mohammad Dar and Ors.”** which came to be disposed of in terms of order dated **12.02.2026**, to this Court for the sake of perusal to figure out the status of pendency of the application from **29.09.2025** till passing of the order dated **12.02.2026**.

14. Copy of this order be forwarded by the Registrar Judicial, Srinagar to the Court of Additional Special Mobile Magistrate, (Judicial Magistrate 1st Class), Shopian, for the sake of notice and compliance.

(RAHUL BHARTI)
JUDGE

SRINAGAR:

09.03.2026

“Mir Arif”