

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

CRM(M) 194/2026 CrIM(479/2026)

SHOWKAT ALI KHAN AND OTHERS

..... Petitioner(s)

Through: Mr. Saleem Gul, Advocate.

V/s

**UNION TERRITORY THROUGH POLICE STATION KUPWARA AND
ANOTHER**

..... Respondent(s)

Through:

Coram:

Hon'ble Mr. Justice Sanjay Dhar, Judge

ORDER

24.04.2026

1. Learned counsel for the petitioners has submitted that he does not have any other document to file in this case, hence the matter be heard on its merits.
2. The petitioners, through the medium of the present petition have challenged FIR No. 61/2026 for offences under Sections 115(2), 126(2), 74 and 351(2) of Bhartiya Nagarik Suraksha Sanhita (BNSS), 2023 registered with Police Station, Kupwara.
3. As per the allegations made in the impugned FIR on 13.03.2026, the complainant/respondent No. 2 lodged a report with the Police Station alleging therein that the

petitioners are trying to dismantle the bund situated behind her house and when she objected to the same, the petitioners gave a beating to her, abused her and she was wrongfully restrained. It has also been alleged that the petitioners tore apart her clothes.

4. Learned counsel for the petitioner has submitted that there is a civil dispute going on between the parties and it is because of the said reason that the impugned FIR has been lodged by respondent No. 2.
5. Despite granting opportunity to produce documents showing existence of a civil dispute between the parties, the petitioners could not produce the same.
6. It is a settled law that if the allegations made in the complaint /FIR disclose commission of cognizable offences, the investigating agency is statutorily bound to undertake investigation of the case and the court cannot stifle the prosecution or investigation in exercise of its powers under Section 528 of BNSS. In the present case, the allegations made in the impugned FIR clearly disclose commission of cognizable offences against the complainant. Therefore, it is not open to this court to interfere with the investigation of the impugned FIR that is being undertaken by the investigating

agency. If at all the petitioners have been falsely implicated in the impugned FIR on account of any oblique motive of respondent No. 2, the said aspect also be gone into by the Investigating agency during the course of investigation but this court while exercising its powers under Section 528 of BNSS cannot hold a mini trial to ascertain the veracity of the allegations made in the impugned FIR.

7. For the foregoing reasons, I do not find any merit in this petition. The same is accordingly dismissed.

(Sanjay Dhar)
Judge

SRINAGAR

24.04.2026

Aasif