

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

CRM(M) 198/2026 CrIM(485/2026))

SAJAD KHALIQ WANI

..... Petitioner(s)

Through: Mr. Salih Pirzada, Advocate. with
Ms. Syed Ainain Qadiri, Advocate.

V/s

**UNION TERRITORY THROUGH POLICE STATION RAM MUNSHI BAGH
AND ANOTHER**

..... Respondent(s)

Through:

Coram:

Hon'ble Mr. Justice Sanjay Dhar, Judge

ORDER

17.04.2026

1. The petitioner, through the medium of present petition, has challenged order dated 11.03.2026 passed by the learned Chief Judicial Magistrate, Srinagar whereby application for discharge filed by the petitioner has been dismissed and it has been held that *prima facie* offences under Sections 506 & 509 of IPC are made out against the petitioner. Challenge has also been thrown to charge sheet emanating from FIR No. 133/2022 for offences under Sections 506 & 509 of IPC registered with Police Station, Ram Munshi Bagh, Srinagar.
2. Learned counsel for the petitioner has submitted that as per the allegations made in the charge sheet, the complainant is

stated to have been threatened by some persons allegedly at the behest of the petitioner but those persons have not been either named or impleaded as accused in the charge sheet. It has been contended that without taking resort to provisions contained in Section 34 of the IPC, the petitioner could not have been held vicariously liable for alleged acts of those unidentified persons, thus offence under Section 506 is not even *prima facie* made out against the petitioner. It has been further contended that as per the FSL report, the alleged obscene message sent by the petitioner through Whatsapp has not been retrieved thus no *prima facie* case is made out against the petitioner. The learned counsel has also argued that there is a civil dispute going on between the parties which has prompted the complainant to file FIR which is subject matter of the impugned charge sheet.

3. Issue notice to the respondents. Notice be sent to respondent No. 1 through Ms. Maha Majeed, learned Assisting Counsel to Mr. Mohsin Qadiri, learned Sr. AAG. Notice be sent to respondent No. 2 through concerned Police Station.
4. In the meantime, proceedings in the impugned challan pending before the learned trial court shall remain stayed.

5. Xerox copy of the trial court record be summoned from court

below.

6. List on 30.05.2026.

(Sanjay Dhar)
Judge

SRINAGAR

17.04.2026

Aasif

