

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

CRM(M) 285/2026 CrIM 667/2026

- 1. Ghulam Mohd Ganie (80 Years) ...Appellant(s)/Petitioner(s)**
S/O Abdul Ahad Ganie
- 2. Nazir Ahmad Ganie**
- 3. Farooq Ahmad Ganie**
- 4. Abdul Rahim Ganie**
- 5. Mushtaq Ahmad Ganie**
Sons of Sonaullah Ganie
- 6. Hilal Ahmad Ganie**
- 7. Rouf Ahmad Ganie**
- 8. Sameer Ahmad Ganie**
- 9. Mehraj Ahmad Ganie**
- 10. Sahbrooza Bano**
- 11. Bilqueesa Bano**
Sons and Daughters of Abdul Rahim Ganie
- 12. Mudasir Ahmad Ganie**
S/O Nazir Ahmad Ganie
- 13. Riyaz Ahmad Ganie**
- 14. Nisar Ahmad Ganie**
Sons of Ghulam Nabi Ganie
- 15. Amina Bano**
W/O Abdul Rahim Ganie
- 16. Tahir Bano**
W/O Mushtaq Ahmad Ganie
- 17. Fareeda Bano**
W/O Mushtaq Ahmad Wani
All residents of Rakhwachoo, Tehsil
Khansahib, District Budgam

Through: Mr. Imtiyaz Ahmad Rather, Advocate
Mr. Alyas Ahmad, Advocate

Vs.

- 1. Union Territory of J&K, through ...Respondent(s)**
SHO Police Station, Beerwah
- 2. Union Territory of J&K, through**
Incharge Police Post Hardu Panzoo
- 3. Abdul Ahad Wani**
S/O Ghulam Mohammad Wani
R/O Rakhwachoo, Tehsil Khansahib
District Budgam

Through: None

CORAM:

HON'BLE MR. JUSTICE M. A. CHOWDHARY, JUDGE.

ORDER

06.05.2026

1. Petitioners, through the medium of this petition, filed under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023, seek quashment of FIR No. 58/2026, under Section 109, 121, 132, 189, 115, 351, 191 and 221 of the Bhartiya Nyaya Sanhita, 2023, registered at Police Station Beerwah, asserting that the case has been registered against the petitioners on account of a civil suit between them and respondent No. 3- Abdul Ahad Wani, concerning a piece of land, with regard to which a civil suit is pending before the court of learned Sub-Judge, Budgam. It is further alleged that the property raised on the petitioners' land was demolished by the opposite party and that the police have falsely implicated the petitioners in the aforesaid case registered at Police Station, Beerwah and prayed that the petition be allowed and the impugned FIR be quashed.
2. Learned counsel for the petitioners argued that the petitioners have been falsely implicated by the opposite party owing to the pending land dispute between the parties, which is sub-judice before the civil court. It was contended that the criminal case registered vide the impugned FIR has been instituted only to overawe and harass the petitioners in connection with the said land dispute.
3. Heard and considered.
4. It appears that respondent- Abdul Ahad Wani had instituted a suit for injunction and declaration against petitioner No. 5, namely Mushtaq Ahmad Ganie, before the Court of learned Sub-Judge, Budgam. The said court, as an interim measure, vide order dated 03.04.2026, directed the parties to maintain status quo with respect to the suit property till the next date of hearing. Thereafter, vide order dated 08.04.2026, upon allegations regarding violation of the said court order, the learned Sub-Judge directed implementation of the order through the SHO, Police Station Beerwah.
5. As per the impugned FIR, SG Constable Javid Ahmad of Police Post Hardoo Panzoo, submitted a report at Police Station, along with copy of Report No. 17 of Roznamcha dated 09.04.2026, stating therein that, in compliance with the order dated 08.04.2026 passed by the civil court, a police party from Police Post, Hardoo Panzoo, under the leadership of SI Irshad Ahmad, reached village Rakhwachu Beerwah and found that

construction work was in progress, in deliberate violation of the court order, as such, the police directed to stop the work, however, the accused, who have been named as petitioners in this case, became aggressive and while launching a murderous assault upon the police party, resorted to heavy stone pelting, as a result, some police personnel sustained injuries. The accused used criminal force against the police officials engaged in discharge of official duties, issued threats of serious consequences, and created substantial obstruction in government work, thereby endangering the lives of the police party. Consequently, a case was registered at Police Station vide FIR No. 58/2026, for the commission of offences punishable under Sections 132, 121, 109, 191, 371, 115, 189 and 221 of BNS, 2023.

6. The allegations against the petitioners herein have been levelled by the police party entrusted with implementation of the court order and not by the person litigating against one of the petitioners herein before the civil court. Therefore, it cannot be said that the petitioners have been falsely implicated by the opposite party to settle scores arising out of the civil dispute. Prima facie, there appears to be no element of personal enmity between the police officials and the petitioners, so as to cast doubt upon the veracity of the allegations levelled against them. Upon perusal of the contents of the FIR, it is found that, *prima facie*, the offences for which the case has been registered are disclosed.
7. In view of the aforesaid, no ground is made out for quashing of the FIR, as, at this stage, it cannot be said that the FIR is an abuse of the process of law or that interference is required to secure the ends of justice.
8. Accordingly, the petition is found to be misconceived and is **dismissed** in limine, along with connected application(s).

(M. A. CHOWDHARY)
JUDGE

SRINAGAR:

06.05.2026

“Adil Ismail”