

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM(M) No. 285/2021
CrlM No. 1026/2021

Ghulam Mohammad Rather and Ors.

.....Petitioner(s)

Through: Mr. Altaf Haqani, Sr. Adv.
with Mr. Shakir Haqani, Adv.

V/s

UT through PS Budgam and anr.

..... Respondent(s)

Through:

CORAM:

Hon'ble Mr. Justice Sanjay Dhar, Judge.

ORDER

17.09.2021

01. Petitioners have challenged FIR No. 252 of 2021 for offence under Section 420, 354 and 120-B IPC registered with the Police Station, Budgam. It is contended by the learned senior counsel appearing for the petitioners that the complainant had acquired the tenancy right and the right to manage the school from the petitioners way back in the year 2012, whereafter the complainant started running the school. It is further contended that in the year 2013, the complainant entered into the agreement of tenancy with the landlord/owner of the building in question whereafter the petitioners are out of the picture in the whole transaction between the landlord and the complainant. To substantiate these facts, petitioners have placed on record the relevant documents.
02. In the background of the aforesaid facts, it has been contended by the learned senior counsel that the instant FIR lodged by the complainant so far as the same pertains to the petitioners, is nothing but abuse of the process of law.

03. Having heard learned senior counsel for the petitioners and having perused the material available on record, a case for grant of interim indulgence is made out.

04. Issue notice to the respondents. Notice be sent to the respondent No. 1 through Mr. Mir Suhail, learned AAG. Notice be sent to respondent No. 2 through concerned Police Station. Learned counsel for the petitioners shall furnish a copy of the petition to Mr. Mir Suhail, learned AAG who may file response by next date. Till next date of hearing, the impugned FIR to the extent it pertains to the petitioners shall remain stayed.

05. List on 8th November, 2021.

(Sanjay Dhar)
Judge

SRINAGAR

17.09.2021

"Aasif"