

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

**CRM(M) 445/2024
CrIM(1037/2024)**

Mohammad Akber Malik & Others. ... Petitioner(s)

Through: Mr. M. A. Rathore, Advocate.

Vs.

**Union Territory through Director General
of Police & Others. ...Respondent(s)**

Through:

**CORAM:
HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE.**

**ORDER
31.07.2024**

1. The petitioners are aggrieved of and have called in question lodging of FIR No. 38/2024 in the Police Station, Budgam, and the consequent charge sheet presented before the court of learned Judicial Magistrate, Budgam.
2. The impugned FIR and the charge sheet have been challenged by the petitioners primarily on the ground that the petitioners are in peaceful possession of land measuring 5-kanals covered by Khasra Nos. 1612 and 1070 situate at Tarbal, Soibugh, Tehsil Budgam, pursuant to an agreement to sell executed by the migrant, Jawahar Lal Koul.
3. It is submitted that earlier attempt to evict the petitioners otherwise than by adopting due process of law, was challenged by the petitioners in OWP No. 1609/2011, in which this Court vide its order dated 12th December, 2011, granted order of status quo. It is thus argued that in the face of the order of status granted by this Court protecting the possession of the petitioners, there could be no question of any trespass on the land.

4. Heard learned counsel for the petitioners and perused the material on record.
5. *Prima facie* case for indulgence is made out.
6. Issue notice to the respondents, returnable within a period of four weeks.
7. Requisite steps for service within two weeks.
8. List on 11th October, 2024.
9. In the meantime, subject to objections from the other side and till the next date of hearing before the Bench, further proceedings in the challan shall remain stayed.

(SANJEEV KUMAR)
JUDGE

SRINAGAR:
31.07.2024
"HAMID"

