

02
Regular

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM(M) No. 450/2024
CM No. 1043/2024

Asif Bashir Wani Petitioner (s)

Through: Mr. Salih Pirzada, Adv.
with Mr. Bhat Shafi, Adv.
V/s

Union Territory through Police Station Kothibagh and anr. Respondent(s)

Through:
Coram:
Hon’ble Mr. Justice Sanjay Dhar, Judge.

ORDER
05.08.2024

The petitioner has challenged FIR No. 26/2024 for offences under Sections 353 and 332 of IPC registered with Police Station, Kothi Bagh, Srinagar.

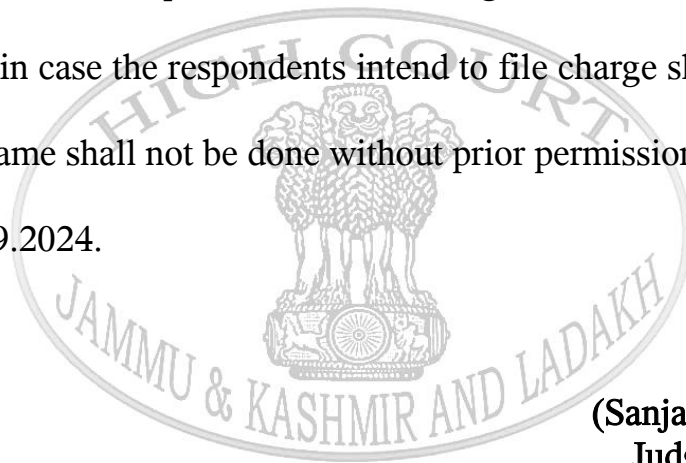
Learned counsel for the petitioner has submitted that so far as the offences under Section 353 and 332 of IPC are concerned, the same are akin to the provisions contained in Section 186 of IPC regarding which provisions contained in Section 195 of Cr.PC are attracted. Relying upon the judgment of the Himachal Pradesh High Court in case titled *Anurag Thakur and another Vs. State of HP* reported in *2016 SCC Online HP 667*, the learned counsel submits that having regard to the nature of the offences alleged to have been committed by the petitioner, no charge sheet can be filed against him and it is only a complaint that can be filed against the

petitioner by the concerned public servant after adhering to the procedure prescribed under Section 195 of Cr.PC.

Issue notice to the respondents. Notice be sent to respondent No. 1 through Ms. Maha Majeed, Advocate. Notice be sent to respondent No. 2 through concerned Police Station.

In the meantime, it is provided that investigation in the impugned FIR may go on but in case the respondents intend to file charge sheet against the petitioner, the same shall not be done without prior permission of this Court.

List on 25.09.2024.



(Sanjay Dhar)
Judge

SRINAGAR

05.08.2024

Aasif