

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

**Case:- CRM(M) No. 16/2024
CrlM No. 29/2024**

Vansh Alias Amit Bhagat

....Appellant(s)/ Petitioner(s)

Through :- Mr. Sanchit Verma, Advocate

V/s

UT of J&K & Ors

....Respondent(s)

Through :-

CORAM: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

**ORDER
12.01.2024**

1. Heard learned counsel for the petitioner at length and perused the record.
2. The short submission which has been advanced by learned counsel for the petitioner is that respondent No.5 and the petitioner are in love relationship since three years and there is no question of involvement of the petitioner in the offence under Sections 366, 376, 109 & 506 IPC as registered in the impugned FIR No. 250/2023 at Police Station, Satwari.
3. Learned counsel appearing on behalf of the petitioner submits that a bare perusal of the allegations made in the complaint before the SHO Satwari and SSP, Jammu and in application under section 156(3) CrPC before Magistrate reveals that the allegations in all applications are self-contradictory, motivated and after thought and even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the petitioner. The contents of the application as per learned counsel would show that respondent No.5 is trying to falsely implicate the petitioner in the instant case.

4. Learned counsel with a view to fortify his claim has referred to the application of respondent No.5 before respondent No.3 under section 154 CrPC and also the application under section 156(3) CrPC before the Magistrate in which the contents are self-contradictory and motivated and further submits that initially the said application was filed, there is no mention of any 'Rape', whereas the word 'Rape' has deliberately included in the application subsequent application filed u/s 156(3) to incorporate rigor of section 376 IPC, which is a matter of afterthought with sole objective to harass the petitioner and this aspect of the matter can also be ascertained from bare perusal of the report submitted by Incharge Police Post Phallan Mandal.

5. Prima facie the case for indulgence is made out.

6. Issue notice to the respondents returnable within four weeks, subject to taking requisite steps for service upon the respondents within one week.

7. List on **23.02.2024**.

8. Meanwhile, subject to objections from other side and till next date of hearing before the Bench, respondent No.3-SHO Police Station, Satwari shall go ahead with the investigation with respect to the impugned FIR No. 250/2023, registered at Police Station, Satwari for offences under Sections 366, 376, 109 & 506 IPC against the petitioner, however challan shall not be produced before the competent of Court of law without prior permission from this Court..

9. Alteration/modification on motion.

(Wasim Sadiq Nargal)
Judge

Jammu:
12.01.2024
Vijay