

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 34/2023
CrIM No. 47/2023
CrIM No. 48/2023

Nazir Ahmed Lone and anotherPetitioner(s)

Through:- Proxy counsel vice
Mr. Mohd. Ayoub Bhat, Advocate

V/s

UT of J&K and othersRespondent(s)

Through :-

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
19.01.2023

Heard learned counsel for the petitioners.

Petitioner no. 1 claims to have solemnized marriage with one Mst. Naseema Akhter D/o Mohd. Shafi Gojar. Said marriage between the petitioner no. 1 and Naseema Akhter is reported to be against the wishes of the parents of Naseema Akhter. The date of marriage is 19.02.2015 which resulted in both the petitioner no. 1 and Naseema Akhter cohabiting together as husband and wife to the extent of maintaining the joint Account no. 1536 with Jammu Central Co-operative Bank Limited in which even the amount of Haq Mehar to the tune of Rs. 20,000/- came to be deposited as FDR for three years period.

It is post the solemnization of marriage of the petitioner no. 1 and Naseema Akhter that Mohd. Bashir, brother of Naseema Akhter, came to lodge an FIR no. 37/2015 dated 14.03.2015 for alleged commission of offences under section 366 read with 109 Ranbir Penal Code with the Police Station Thannamandi, Rajouri.

The petitioner no. 1 joined by his brother petitioner no. 2 in this petition submits that it was in December, 2022 and now in January 2023 that the Police Station concerned has put them on call in connection with the investigation of the said FIR and, as such, the said FIR is nothing but an abuse of process of law at the end of the respondents.

Prima facie case is made out.

Issue notice to the respondents.

Petitioners to furnish registered postal covers within seven days.

List this case on 27.02.2023.

In the meantime, investigation in FIR no. 37/2015 dated 14.03.2015 shall remain stayed. This interim direction is subject to objections from the other side.

Jammu:
19.01.2023
Meenakshi

