

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

CRM(M) No. 37/2025

Mumtaz Begum and Anr.

.....Petitioner(s)

Through: Mr. K. Nirmal Kotwal, Advocate

Vs

UT of J&K and Anr.

..... Respondent(s)

Through: Mr. Suneel Malhotra, GA vice
Mr. Pawan Dev Singh, Dy. AG

Coram: HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE

ORDER
09.07.2025

1. Notice to the respondent No.2/complainant as per the Registry's note was issued on 06.02.2025, through registered post. The same as such is deemed to have been served upon the said respondent No.2.
2. Heard the learned counsel for the petitioners in respect of his prayer for grant of interim relief, who inter alia contended that the impugned case FIR bearing No.66/2023 dated 05.06.2023 of Police Station, Gangyal, Jammu as well as the consequent final report/challan pending before the learned trial Court deserves to be quashed as the same are outcome of a false and frivolous complaint lodged by the respondent No.2 against the petitioners. He submitted that respondent No.2/complainant happens to be the sister of the petitioner No.1 and the Aunt of the petitioner No.2, who have a civil dispute going on. He contended that it is a settled principle of criminal jurisprudence that an accused is presumed to be innocent till proved guilty and the burden of proving everything essential to the

establishment of his guilt lies on the prosecution. He further submitted that petitioner No.2 being a highly qualified and competent person has been selected against some post, who is not being furnished with the character certificate/NOC for joining his post. Learned counsel submitted that the petitioner No.2 cannot be refused to join against his post on the mere fact of the pendency of criminal case before the learned trial Court in which he is deemed to be innocent until proved guilty.

3. Perused the application supported with an affidavit. Also perused the main petition and the copies of the documents enclosed with the same as Annexures thereto.
4. List on **08.08.2025**.
5. In the meantime, the learned trial Court seized of the final report/challan which has culminated from the investigation in case FIR No.66/2023 of Police Station, Gangyal, Jammu shall consider the application of the petitioner No.2/co-accused under law, which is contemplated/sought to be filed by him before it (trial Court) seeking direction upon his appointing authority for permitting him, subject to the final outcome of the said criminal case, to join the post against which he is reported to have been selected.

(Mohd. Yousuf Wani)
Judge

Jammu
09.07.2025
Riya