

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

CRM(M) No. 54/2022
CrIM Nos. 126 & 127 of 2022
(Through Video Conferencing)

Pawan Kumar ...Petitioner(s)

Through :- Mr. Abhinav Sharma, Sr. Adv.
With Mr. Abhimanyu Sharma, Adv.

v/s

UT of J&K and anr.Respondent(s)

Through :-

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER

The petitioner has challenged FIR No. 01 of 2022 for offence under Section 376 of IPC registered with Police Station, Women's Cell, Kathua.

Learned senior counsel appearing for the petitioner submits that the impugned FIR is a sheer abuse of process of law. It is contended that even a bare perusal of the contents of the FIR do not disclose the commission of offence under Section 376 of IPC against the petitioner as the prosecutrix herself is not sure as to whether any sexual intercourse has been committed upon her. It is further contended that the impugned FIR has been lodged by the prosecutrix only to harass the petitioner as he is going to solemnize marriage within a few days from today.

Having heard learned senior counsel appearing for the petitioner and having perused the contents of the impugned FIR and taking into consideration

the contention raised by the learned counsel for the petitioner, a case for grant of interim indulgence is made out.

Issue notice to the respondents. Notice be sent to respondent No. 1 through Mr. Dewakar Sharma, learned Dy. AG.

Learned counsel for the petitioner is directed to furnish a copy of the petition to Mr. Dewakar Sharma, learned Dy. AG who may file his response by or before the next date of hearing.

Notice be sent to respondent No. 2 through concerned Police Station.

List on 06.04.2022. Till next date before the Bench, the proceedings in the impugned FIR shall remain stayed.

JAMMU
04.02.2022
Paramjeet



(SANJAY DHAR)
JUDGE