

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

CRM(M) No.90/2022
CrIM Nos.223/2022 &
224/2022

Sanjeev Kumar and others

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

Through :- Mr. Mayank Gupta, Advocate.

V/s

Union Territory of J&K and others

....Respondent(s)

Through :-

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

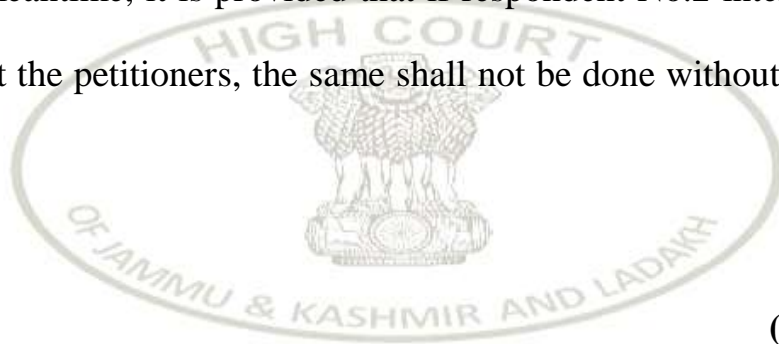
ORDER
21.02.2022

1. The petitioners have challenged FIR No.169/2016 for offences under Sections 376, 365, 506 and 109 RPC.
2. It is contended by learned counsel for the petitioners that the allegations made in the impugned FIR are improbable and there is no explanation in the FIR as to why the prosecutrix did not narrate the incident to the policeman of the Police Station Bishnah, who according to her met her after running away from the clutches of the accused/petitioners but instead chose to lodge the complaint before the Magistrate after a pretty long time of the alleged incident. It is further contended that the investigation in the case is pending for the last about five years but no headway has been made in the investigation.
3. Having heard learned counsel for the petitioners and having perused the material available on record, a case for grant of interim indulgence is made out.

4. Issue notice to the respondents. Notice be sent to respondent Nos. 1 and 2 through Mr. Amit Gupta, learned AAG. Notice to respondent Nos. 3 and 4 be sent through concerned Police Station. Learned counsel for the petitioners shall provide a copy of the petition to Mr. Amit Gupta, learned AAG who shall file response by or before the next date of hearing.

5. List on 20.05.2022.

6. In the meantime, it is provided that if respondent No.2 intends to file any challan against the petitioners, the same shall not be done without permission of the Court.



(Sanjay Dhar)
Judge

Jammu:
21.02.2022
Surinder