

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

CRM(M) No. 395/2022  
CrIM Nos. 821/2022 &  
1550/2022

Pawan Kumar Babbar

....Petitioner/Appellant(s)

Through :- Mr. P. N. Raina, Sr. Advocate with  
Mr. Anil Khajuria, Advocate.

V/s

UT of J&K and others

....Respondent(s)

Through :- Mr. Dewakar Sharma, Dy. AG

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

**ORDER**

30.11.2022

Registry is directed to screen the name of respondent no. 3 as given in the petition and keep it undisclosed.

Respondent no. 5 is the father of the respondent no. 3 who is the victim of the alleged offence.

Mr. Dewakar Sharma, learned Dy. AG submits that because of typographical error objections meant to be submitted in the present case stand submitted in reference to some other case and seeks some more time to rectify the error within a period of seven days.

Mr. Dewakar Sharma, learned Dy. AG further submits that challan in the case stands filed before the Court of learned Principal Sessions Judge, Kathua.

The Police Report (Challan) so presented before the Court of Principal Sessions Judge, Kathua is born out of FIR no. 0034/2022 dated 16.05.2022

registered with the Police Station Bani alleging commission of offences under section 376/343/323/109 of the Indian Penal Code read with section 4 & 5 of the Protection of Children from Sexual Offences Act, 2012. In the said FIR, there was no whisper of reference made against the petitioner with respect to his involvement in any manner whatsoever in the alleged commission of offences alleged in particular offence under section 376 of the Indian Penal Code. The petitioner, who is an advocate by profession, is reported to have drafted and notarized a marriage agreement dated 27.12.2021 of the prosecutrix with one Vishant Anand name as accused no. 1 in the FIR and from there the implication of the petitioner is being read into the alleged commission of offences. In fact even the father of the prosecutrix has been named as accused no. 2 in said FIR whereas the petitioner figures as accused no. 3. It is pleaded in the petition that the petitioner as an advocate had rendered his professional service in representing the prosecutrix's father in defending the maintenance proceedings which was initiated by the prosecutrix's mother in the Court of law and it is out of that role of the petitioner that the prosecutrix's mother has orchestrated the entire script to wreck vengeance against the husband and the advocate who pleaded his cause.

This case has something more than what meets the eye and, as such, require examination in detail.

Send for the scanned record of Challan no. 72/2022 dated 09.11.2022 from the Court of learned Principal Sessions Judge, Kathua which is titled "UT of J&K Vs. Kuldeep Singh & Ors".

List on 12.12.2021 along with Bail App no. 181/2022.

In the meantime, proceedings in the challan pending before the Court of learned Principal Sessions Judge, Kathua shall remain stayed till further orders.

Registrar Judicial, Jammu to ensure that scanned record of the file above referred is received by this Court by or before the next date of hearing.

A copy of this order be provided to learned counsel for the petitioner under the seal and signatures of the Reader of this Court.

**(RAHUL BHARTI)**  
**JUDGE**

JAMMU  
30.11.2022  
*Shivalee*

