

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

(THROUGH VIRTUAL MODE)

CRM(M) 288/2021

CrIM 815/2021

CrIM 816/2021

Santorsh Kesar and another

...Petitioner(s)

Through:-Mr. Vikas Sharma, Advocate

v/s

Union Territory of J and K and another

....Respondent(s)

Through:-Mr. Aseem Sawhney, AAG

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

**ORDER**

1. Through the medium of this petition, the petitioners have challenged FIR No. 73/2021 for offence under Sections 420 and 376 IPC registered with Police Station, Satwari.

2. It is the case of the petitioners that the impugned FIR lodged by the respondent No. 2 against the petitioners is false and frivolous in nature. According to the petitioners, prior to lodging the impugned FIR, respondent no.2 had approached the police by way of a complaint on 29.01.2021 and in the said complaint no allegations of rape or sexual assault were made by the complainant against the petitioner No. 2. It has been further contended by learned counsel for the petitioners that the alleged occurrence of rape has taken place on 31.10.2020, but the impugned FIR has been lodged on 27.03.2021 and, as such, there is inordinate delay in lodging of the FIR,

reasons whereof have neither been explained by the complainant nor verified by the police before registration of the impugned FIR.

3. Having regard to the submissions made by learned counsel for the petitioner and the material placed on record, a prima facie case for grant of interim indulgence is made out.

4. Issue notice to the respondents. Mr. Aseem Sawhney, learned AAG accepts notice on behalf of respondent No. 1. Learned counsel for the petitioners shall provide a copy of the petition to Mr. Sawhney who shall file his response/status report by or before the next date of hearing. Notice be sent to respondent No. 2 through concerned police station.

6. List on 01.07.2021.

7. In the meanwhile, the investigation of the impugned FIR may go on, but in case respondent No.1 intends to file the challan against the petitioners, the same shall not be done without the prior permission of this Court.

**(SANJAY DHAR)**  
**JUDGE**

JAMMU  
27.05.2021  
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