

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

Case:- CRM(M) No. 474/2024  
CrIM No. 957/2024

Akhter Abass and others

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

Through: Mr. Syed Nadeem Hamdani, Advocate

**Vs**

Zaitoon Begum

..... Respondent(s)

Through:

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

**ORDER**  
**19.07.2024**

01. The petitioner No. 1 is introducing himself to be a Naib Tehsildar posted in district Doda and the petitioner Nos. 2 & 3 as Govt. Teachers in School Education Department posted in district Poonch. All the three petitioners find themselves named as accused in a criminal complaint filed by the respondent before the court of learned Chief Judicial Magistrate, Poonch for alleged commission of offences under sections 323, 341, 504 & 506 Indian Penal Code.

02. The Chief Judicial Magistrate, Poonch by virtue of an order dated 22.04.2024 came to take cognizance of offences under sections 341/351 Indian Penal Code against the petitioners and directed issuance of process.

03. Prima-facie, it appears that the respondent in her complaint had not come forward with any allegation of assault related to section 351 of Indian Penal Code given the fact that the complaint itself shows that the respondent was subjected to offences under sections 323, 341, 504 & 506 Indian Penal Code.

04. Learned counsel for the petitioners submits that the complaint is born out of a malafide and the respondent is being treated as a tool by the vested interests who are eyeing upon the lands of the petitioners.

05. Prima facie case is made out.

06. Issue notice to the respondent.

07. Petitioners to furnish registered postal cover for the service of the respondent within a period of ten days, whereupon Registrar Judicial, Jammu to issue notice to the respondent.

08. Send for the record of the criminal complaint filed by the respondent from the court of Chief Judicial Magistrate, Poonch.

09. In the meantime, further proceedings in the criminal complaint shall remain stayed. This order is, however, subject to objections from the other side.

10. List on 23.08.2024.

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

**JAMMU**  
**19.07.2024**  
Muneesh