

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

**CRM(M) 593/2023
CrIM (1152/2023)**

Mohd. Qasim and ors

.... Petitioner(s)

Through: Mr. Monish Chopra, Adv.

V/s

U T of J&K and ors

.....Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

19.07.2023

- 1) The short submission made by the learned counsel for the petitioners is that the registration of FIR against the petitioners is misuse of criminal law machinery and utter abuse of process of law as the respondent No.2 has filed FIR to put pressure on the petitioners to withdraw the revision petition pending before the Divisional Commissioner, Jammu. Learned counsel for the petitioners further submits that the issue involved is a civil dispute and the FIR has been registered on the basis of frivolous complaint. He further submits that Respondent No.1 has registered the impugned FIR No.109/2023 dated 18.05.2023 under section 420, 467, 468, 471 109 IPC in P/S Nowshera in a mechanical manner and that too without holding any enquiry before registering of the same. He further submits that perusal of the allegations levelled in the FIR even if taken at their face value, do not prima facie constitute any offence and the allegation levelled in the FIR are patently absurd and inheritably improbable on the basis of which no one can just reach a just conclusion to form sufficient grounds for proceedings against the petitioner. He further submits that

registering of FIR are manifestly attended with malafide and maliciously instituted with an ulterior motive for wreaking vengeance on the petitioners.

- 2) Heard learned counsel for the petitioner at length. Prima facie, at this stage a case is made out for indulgence of this court.
- 3) Issue Notice in the main petition as well as in the CrIM returnable within four weeks.
- 4) In the meantime, subject to objections from other side and till next date before the Bench, the impugned FIR No. 109/2023 registered at Police Station Nowshera under section 420, 467, 468, 471, 109 IPC, shall remain stayed.

List on 23.08.2023.

(Wasim Sadiq Nargal)
Judge

Jammu:
19.07.2023
"G. Nabi/Secy"