

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

Case:- CRM(M) No. 560/2024
CrIM No. 1136/2024

Bashir Ahmed Naik

..... Petitioner(s)

Through: Mr. Irfaan Khan, Advocate.

Vs

UT of J&K and Anr.

..... Respondent(s)

Through:

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

ORDER
(22.07.2024)

- 01.** The petitioner is aggrieved of registration of an FIR no. 0128 of 2024 dated 23.05.2024 by the Police Station Bahu Fort, Jammu for alleged commission of offences under section 420, 504 & 506 of the Indian Penal Code (IPC), 1860 lodged at the instance of the respondent No. 2.
- 02.** Learned counsel for the petitioner submits that the respondent No. 2 is married to the petitioner's real sister, namely, Shabina Begum @ Shabina Banoo with whom the marital relationship has gone estranged. Lodging of FIR is borne out of the said estranged state of relationship in order to wreck vengeance as the respondent No. 2 has resorted to abuse of process of law by getting the FIR registered without even by whisper of fact in the complaint that the respondent No. 2 is married to sister of the

petitioner. The tone and tenor of the complaint is as if the petitioner is stranger to the respondent No. 2.

03. Learned counsel for the petitioner submits that there was no such dealing between the petitioner and the respondent No. 2 so as to warrant his booking in section 420 read with section 504 & 506 of the Indian Penal Code (IPC), 1860.
04. *Prima facie* case is made out.
05. Issue notice to the respondents.
06. Petitioner to furnish registered postal covers for the service of the respondents within a period of 7 days, whereupon he Registrar Judicial, Jammu to issue notices to the respondents.
07. List on **31.08.2024**.
08. In the meantime, investigation in the FIR No. 0128 of 2024 dated 23.05.2024 shall remain stayed. This order is, however, subject to objections from the other side.

(RAHUL BHARTI)
JUDGE

JAMMU
22.07.2024

Bunty