

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 608/2023 c/w
CRM(M) No. 609/2023

Zarifa Begum & Ors.

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

Through: Mr. Vikas Magotra, Advocate

vs

UT of J&K & Ors.

..... Respondent(s)

Through: Mr. Sumeet Bhatia, GA
Mr. Mohd. Irfaan, Advocate

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

27.02.2026

1. After hearing both the counsel for a while, it surfaces that there is some matrimonial dispute between respondent No. 4-Yasmeen Bano and petitioner No. 3-Ashfaq Malik, who got married in the year 2021 and were blessed with a child in the year 2023 and thereafter, because of matrimonial discard, petitioner No. 3 pronounced written Talaq, which was drawn on 15.05.2023 and was received by the respondent-wife on 18.05.2023. Feeling aggrieved, she (respondent No. 4) lodged FIR, arraying petitioner No. 3 and all his relatives for offences under Sections 498 A, 323, 504, 506, 109 IPC.
2. During the pendency of the FIR, petitioner No. 3 sent another written pronouncement on 17.06.2023, which was received by the respondent-No. 4, wife provoking her to file another FIR against the petitioners alleging that petitioner No. 3 and the co-accused have not only breached the conditions of the Niqah Nama, but also committed cheating.

3. Having regard to the nature of accusations, this Court has, in terms of order dated 21.07.2023, stayed the investigation. Since the respondent-wife has raised grave accusations against the petitioners and for that, two FIRs have been registered whereas without there being version of the prosecution agency, as to the merits of two FIRs, it may not be possible for this Court to return a finding as to the credibility of the two cases. Inasmuch as once the FIR is registered, the natural course of event following the investigation would determine the genuinity of the accusations as well as whether any offence has been committed or not. It cannot be denied that given the matrimonial dispute between the parties, levelling false accusations, just to harass or victimize the other can also be inferred.
4. So, in order to arrive at just decision in both the petitions, with the consensus of both the parties, it is directed that let SHO, Police Station Mahore proceed with the investigation of case FIR Nos. 0080/2023 as well as 0047/2023 and file status report of investigation in this Court within three months. However, the petitioners are directed to render all active assistance for just investigation. However, but that does not mean that the Investigating Officer would cause any kind of harassment to the petitioners. It is further directed that the investigation shall not conclude into filing of charge-sheet in both the FIRs, which can be laid only after seeking prior permission of this Court.

5. The order dated 21.07.2023, passed in both the petitions shall stand modified to the aforesaid extent.
6. List for continuation on **22.05.2026**. Await for status report.

(Sanjay Parihar)
Judge

Jammu
27.02.2026
Vishal Sharma

