

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

**Bail App No. 193/2023**  
**CrIM No. 1192/2023**  
c/w  
**CRM(M) No. 613/2023**  
**CrIM No. 1193/2023, 1215/2023**  
**CRM(M) No. 640/2023**  
**CrIM No. 1244/2023**

Tahira Khanam and another .....Appellant(s)/Petitioner(s)

Through: Mr. Abrar Ahmed Khan, Advocate  
In Bail App No. 193/2023 and CRM(M) No.  
613/2023  
Mr. Jasbir Singh Jasrotia, Advocate.  
In CRM(M) No. 640/2023

vs

UT of J&K and others ..... Respondent(s)

Through: Mr. Eishan Dadichi, GA  
Investigating Officer-Mr. Abdul Gaffar  
(Present in person)  
Investigating Officer-Mr. Faiz Din  
(Present in person)  
Mr. Abrar Ahmed Khan, Advocate  
In CRM(M) No. 640/2023  
Mr. Jasbir Singh Jasrotia, Advocate  
In Bail App No. 193/2023 and CRM(M) No.  
613/2023

**Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE**

**ORDER**  
**12.11.2024**

**Bail App No. 193/2023**

1. Vide order dated 31.07.2023 interim bail was granted to the petitioners by this Court. There is no report with regard to violation of any of the conditions imposed by this Court at the time of granting the bail, as such, interim bail granted to the petitioners vide order dated 31.07.2023 is made absolute on the same terms and conditions.
2. **Disposed of alongwith the connected application.**

**CRM(M) No. 613/2023**

3. Investigating Officer along with the case diary is present in person.
4. Arguments heard in part.
5. List this matter in first ten cases for continuation of arguments on **19.11.2024.**
6. Mr. Eishan Dadichi, learned GA shall retain the case diary and shall produce the same on the next date of hearing for perusal of this Court.

**ORAL**

**CRM(M) No. 640/2023**

7. The petitioners have the present petition for quashing FIR No. 0167 dated 28.06.2023 registered with respondent No. 1 at the instance of respondent No. 2 for commission of offences under Sections 307, 447, 323 and 34 IPC *inter alia* on the grounds that the FIR impugned has been lodged just to harass and victimise the petitioners, as the respondent No. 2 was having an apprehension that the petitioner No. 1 being District Accounts Manager, NHM, District Poonch was not deliberately releasing the pending salary of the respondent No. 2, regarding which, the respondent No. 2 had filed a writ petition bearing WP(C) No. 1187/2023 titled "*Mohd. Rashid Khan vs. UT of J&K and others*" before this Court. Besides, it is also contended that the respondent No. 2 was having old enmity with the family of the petitioners, as the respondent No. 2 tried his level best to tarnish the image of father of the petitioner Nos. 1 and 2, who was the Sarpanch of Draba at that time. He also got published false and frivolous

complaint against the father of the petitioner Nos. 1 and 2 with intention to defame him.

8. Objections have been filed by the respondent No. 2 stating therein that the petitioners had brutally attacked the respondent No. 2 and his daughter-in-law, namely, Tahira Khanam and they were admitted on 25.06.2023 at Sub District Hospital, Surankote and later on they were shifted to GMC, Rajouri. Thereafter, the daughter-in-law of the respondent No. 2 underwent treatment at SIKIM Soura. It is further stated that as a counterblast to the FIR impugned in this petition, FIR bearing No. 0192/2023 was also got registered by the petitioner No. 1 against the respondent No. 2.
9. Official respondent has not filed the response.
10. Mr. Jasbir Singh Jasrotia, learned counsel for the petitioners has argued that the allegations are levelled against the petitioner Nos. 1 and 2 only and not against their wives. He has further argued that the FIR impugned has been lodged just to harass the petitioners because of a past enmity.
11. *Per contra*, Mr. Eishan Dadichi, learned GA has submitted that the respondent No. 2 and his daughter-in-law suffered serious injuries in respect of which they were treated by the medical officer, CHC, Surankote.
12. Mr. Abrar Ahmed Khan, learned counsel for the respondent No. 2 has reiterated the submissions made in the objections filed on behalf of respondent No. 2.
13. Investigating Officer is present in person along with the case diary.

14. Heard learned counsel for the parties and perused the record.
15. The contention raised by the petitioners is that the FIR impugned has been lodged just to harass the petitioners. This Court has perused the case diary and finds that the respondent No. 2 and his daughter-in-law, namely, Tahira Khanam were examined on 25.06.2023 at CHC, Surankote and injured-Tahira Khanam had suffered injury with sharp edged object, whereas the other injured i.e. the respondent No. 2 had suffered injuries which are simple in nature caused by blunt object.
16. After perusing the case diary, this Court is of the considered view that specific allegations have been levelled in the FIR not only against the petitioner Nos. 1 and 2 but also against their wives, as such, at this stage it cannot be said that no offence is made out.
17. **Accordingly, the present petition is found to be misconceived and the same is dismissed.**
18. After perusal, case diary is returned back to the Investigating Officer in the open court.

**(RAJNESH OSWAL)**  
**JUDGE**

**Jammu**  
**12.11.2024**  
*Sahil Padha*

Whether the order is speaking: Yes/No.  
Whether the order is reportable: Yes/No.