

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

CRM(M) No. 700/2022

Krishan Kumar and Anr.

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

Through: Mr. Rajesh Kumar Sharma, Advocate.

Vs

UT of J&K and ors.

..... Respondent(s)

Through:

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER

Petitioners have challenged the FIR No. 176/2022 for commission of offences under Sections 376 and 109 IPC, registered with police Station, R.S. Pura, Jammu.

It is contended by the learned counsel for the petitioners that an agreement of marriage was allegedly executed between respondent No. 5 and petitioner No. 2, whereby it was agreed that the petitioner No. 1, who happens to be the son of petitioner No. 2, would marry respondent No. 4, the daughter of respondent No. 5.

It is submitted that both petitioner No. 1 and respondent No. 4 are major and, as such, the agreement executed between petitioner No. 2 and respondent No. 5 has no legal sanctity and, accordingly, the same was challenged by the petitioners before the Munsiff, R.S. Pura by way of a civil suit filed on 23.08.2022.

It is further submitted that when private respondents harassed the petitioners on the basis of aforesaid illegal marriage agreement, the petitioners filed a criminal complaint before the Judicial Magistrate, 1st Class, (JMJC) Bishnah on 29.07.2022.

It is contended that as a counterblast to the aforesaid actions of the petitioners and in order to wreck vengeance upon them, the complainant/respondent No. 4 has filed the impugned FIR, which is absolutely false and frivolous.

Having heard learned counsel for the petitioners and having perused the material on record, a case for grant of interim indulgence is made out.

Issue notice to the respondents.

Notice be sent to respondent Nos. 1 to 3 through Mr. Pawan Dev Singh, Dy. AG and the same be sent to respondent Nos. 4 and 5 through concerned police station.

Learned counsel for the petitioners is directed to furnish a copy of the petition to Mr. Pawan Dev Singh, Dy. AG, who shall file his response by or before next date of hearing.

List again on 07.11.2022.

Meanwhile, subject to objections from the other side and till next date of hearing, it is provided that the investigation in the impugned FIR shall go on, but if official respondents intend to file challan against the petitioners, the same shall not be done without prior permission of this Court.

**(SANJAY DHAR)
JUDGE**

Jammu
19.09.2022
Ram Krishan