

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

CRM(M) No.725/2022
CrlM No.1505/2022

Sawraj Choudhary

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

Through :- Mr. Vikram Sharma, Sr. Advocate with
Mr. Sachin Dev Singh, Advocate.

V/s

UT of J & K and another

....Respondent(s)

Through :-

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

ORDER
22.09.2022

The petitioner has challenged FIR No.126 of 2022 for commission of offence under Sections 294, 504 and 506 of IPC registered with Police Station R.S Pura.

It is contended by learned Senior counsel appearing for the petitioner that there is a land dispute going on between the petitioner and the complainant party regarding which litigation is going on before the revenue authorities. The learned Senior counsel has submitted that on 01.07.2022, the Tehsildar R.S Pura had directed for spot inspection on an application filed by the father of the petitioner and when the field staff of the revenue department along with petitioner went on spot to take measurements, the same was resisted by the complainant party and they filed the impugned FIR making baseless allegations against the petitioner. Learned Senior counsel has further submitted that even in the impugned FIR it has been admitted by the complainant that the officials of the revenue department had visited her house to take measurements. It is also contended that a bare perusal of the impugned FIR would reveal that at least

offence under Section 294 IPC is not made out from the contents of the impugned FIR.

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

Issue notice to the respondents. Notice be sent to the respondent No.1 through Mr. Pawan Dev Singh, learned Dy. AG.

Learned counsel for the petitioner shall furnish a copy of the petition to Mr. P.D Singh, learned Dy. AG, who may file his response by or before next date of hearing. Notice to respondent No.2 be sent through concerned Police Station.

List on 23.11.2022.

In the meanwhile, it is directed that the investigation in the impugned FIR shall remain stayed.

(Sanjay Dhar)
Judge

Jammu:
22.09.2022
Surinder