

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

**Case No. :- CRM(M) No. 705/2024  
CrIM No. 1428/2024**

Arif Iqbal

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

Through: Mr. Zulker Nain Sheikh, Advocate

**Vs**

U.T. of J&K and Anr.

..... Respondent(s)

Through:

**Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE**

**ORDER  
06.09.2024**

**01.** It has been urged by the learned counsel for the petitioner that the impugned FIR No. 0128/2024 is a sheer abuse of process of law inasmuch as respondent no. 2 registered a false and frivolous FIR against the petitioner in order to wreck vengeance, which falls within the realm of the abuse of process of law. Learned counsel for the petitioner has further argued that the impugned FIR has been registered under Sections 299 & 115(2) of BNS and after going through the aforesaid relevant provisions of BNS Act, none of the contents referred in the impugned FIR constitute the offence and on this ground also, the impugned FIR is liable to be quashed, as per the learned counsel for the petitioner.

**02.** Learned counsel for the petitioner has further argued that the guidelines, which has been laid down by the Hon'ble Apex Court in case titled **State of Haryana & Ors. V/s Ch. Bhajan Lal and Ors** reported in **1992 AIR 604, 1990 SCR Supl. (3) 259** has also not been followed in the instant case and thus, according to him, it is a fit case where indulgence is required by this Court under Section 528 BNSS for quashment of the impugned FIR.

- 03.** Lastly, learned counsel for the petitioner has argued that the allegations, which have been made in the impugned FIR even if taken at their face value and accepted in its entirety, the same do not *prima facie* constitute any offence against the petitioner and the allegations, which have been leveled in the FIR do not disclose any cognizable offence qua the petitioner, as the allegations are totally absurd.
- 04.** Heard learned counsel for the petitioner at length and perused the record.
- 05.** Issue notice to the respondents in main petition, as also in CrIM, returnable within four weeks. Requisite steps for service be taken within one week.
- 06.** Prima facie case for indulgence is made out.
- 07.** List on 25.09.2024.
- 08.** Meanwhile, subject to objections from other side and till next date of hearing before the Bench, the impugned FIR No. 0128/2024 dated 03.08.2024 registered at Police Station, Bhaderwah under Sections 299 & 115 (2) of BNS shall remain stayed.
- 09.** Alteration/Modification/Vacation on motion.

**(Wasim Sadiq Nargal)**  
**Judge**

**JAMMU**  
**06.09.2024**  
**Mihul**