

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

CRM(M) No. 778/2022
Crl M no. 1610/2022

Ramneek Kour and others

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

Through: Mr. M.L.Gupta, Advocate.

Vs

UT of J&K

.....Respondent(s)/Caveator(s)

Through:

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
06.10.2022

Heard learned counsel for the petitioners.

Petitioner no. 1 is widowed daughter-in-law of the respondent no.2. It seems that upon the death of S. Iqbal Singh, the husband of the petitioner no.1 who was the son of the respondent no.2, a property dispute with respect to house property number 587, Nai Basti, Jammu and some agricultural land situated in village Chatha and in village Khanpur Bhawan, Jammu came to set in resulting in filing of a civil suit by the petitioner no.1 joined by her minor son against the respondent no.2 and the daughters of the respondent no.2 before the court of 2nd Additional District Judge, Jammu where in terms of an order dated 04.01.2021 the civil court has come to pass interim directions qua the property forming subject matter of the suit. Post the institution of the civil suit, the petitioner no.1 came to file an FIR no. 222 of 2022 dated 07.09.2022 against the respondent no.2, her sisters-in-law and also some other individuals for commission of offences under Sections 452, 323, 504, 506 read with Section 34 IPC and 3/25 Arms Act with Police Station, Gandhi Nagar, Jammu. Following registration of the said FIR, the

respondent no.2 came forward with a counter FIR no. 229 of 2022 dated 13.09.2022 against the petitioner and her brother who is petitioner no.1 and a friend of the petitioner no.2, who is petitioner no.3 herein. Registration of FIR no. 229 of 2022 has taken place with respect to commission of offences under Sections 427, 452 and 506 of the Indian Penal Code, 1860. The registration of FIR has taken place pursuant to the directions passed by the Judicial Magistrate in an application filed by the respondent no.2 under Section 156(3) of the Criminal Procedure Code, 1973. Perusal of the contents of the FIR no. 229 of 2022 dated 13.09.2022 reflects that there are no factual contents alleged therein so as to show how the commission of offences under Sections 427, 452 and 506 of the Indian Penal Code have been committed by the petitioners.

Prima facie case is made out.

Issue notice to the respondent.

In the meantime, subject to objections from other side and till next date of hearing before the Bench, the investigation in FIR no. 229 of 2022 dated 13.09.2022 shall remain stayed.

Learned counsel for the petitioners to furnish registered postal cover with respect to the service of the respondent no.2 upon which the Registry shall issue notice to the respondent no.2. Let the needful be done within a period of seven days.

List this matter on 05.12.2022.

(Rahul Bharti)
Judge

Jammu :
06.10.2022
Pawan Chopra