

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

CRM(M) No. 817/2023
c/w CRM(M) No. 869/2023

Shaida Bano and othersAppellant(s)/Petitioner(s)

Through: Mr. Altaf Hussain Janzjua, Adv. in CRM(M)
No. 817/2023
Mr. Dar Khurshid, Adv. in CRM(M) No.
869/2023

vs

U. T. of J&K and others Respondent(s)

Through: Mr. Irfan Inqlabi, GA for No. 1.
Mr. Sachin Gupta, Adv. for No. 2

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

ORDER
01.11.2023

1. Objections stand filed by respondent No. 2 in CRM(M) No. 817/2023, wherein quashing of FIR No. 106/2023 dated 29.08.2023 for offences under sections 434, 380, 363 and 109 IPC of Police Station, Mahore has been sought primarily on the ground that one Shakeel Ahmed had solemnized marriage with proforma respondent No. 3, who in fact is a minor daughter of respondent No. 2 as averred in objections filed by the respondent No. 2. The respondent No. 2 along with objections, has placed on record the Date of Birth certificate issued by the Government High School, Nihoch, Zone, Mahore(Reasi), wherein Date of Birth of respondent No. 3/proforma respondent has been mentioned as 02.03.2007. Mr. Sachin Gupta, learned counsel for respondent No. 2 has produced the copy of order of Division Bench, whereby protection order obtained by the petitioner-Shakeel Ahmed Jaral in CRM(M) No. 869/2023 and respondent No. 5 in WP(C) No. 2389/2023 vide order dated 18.09.2023 in the Srinagar Wing,

has been assailed by the respondent No. 3, who father of respondent No. 5 in CRM(M) No. 869/2023.

2. A perusal of order dated 09.10.2023 reveals that the Division Bench has directed the SHO of Police Station concerned to produce the relevant records including the record of CRM(M) No. 817/2023. Since there is serious dispute in respect of the alleged age of the proforma respondent No. 3, therefore, this Court deems it proper to direct Investigating Officer concerned to record the statement of proforma respondent No. 3 and proceed in terms of order passed by the Division Bench.

3. Investigating Officer shall remain present before this Court on the next date of hearing along with CD file.

4. List on 13.12.2023.

(RAJNESH OSWAL)
JUDGE

Jammu
01.11.2023
Rakesh