

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

CRM (M) No. 931/2026

Ashok Kumar and another

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

Through: Mr. Amit Gupta, Advocate

Vs

U.T. of J&K and another

..... Respondent(s)

Through:

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

ORDER
27.08.2026

1. Learned counsel appearing on behalf of the petitioners has drawn the attention of this Court to the order passed in a writ petition preferred by petitioner-Rakesh Kumar, registered as WP (C) No. 3284/2023, by virtue of which the petitioner-Rakesh Kumar had called in question the notice issued pursuant to which an enquiry was being contemplated against petitioner-Rakesh Kumar by the Crime Branch, which, according to the petitioners, was not the competent authority to conduct such enquiry in terms of the Jammu and Kashmir Grant of Permanent Resident Certificate Procedure Act, 1963 and the Rules framed thereunder, with respect to ascertaining the genuineness of the Permanent Resident Certificate before the Court. It was further submitted that the petitioner had been serving in the Police Department for more than 14 years after due verification of his documents and that the complaint lodged against him by his uncle, Faqir Chand, was a counterblast to the FIR lodged by him at Police Station Samba. The Court, being *prima facie* satisfied, stayed the operation of the impugned notice and enquiry vide order dated 30.12.2023, which continues to operate.

2. Learned counsel further submits that, when this Court is already seized of the matter and has granted interim protection, the impugned FIR No. 0118/2026 dated 24.07.2026, registered at Police Station Miran Sahib, Jammu, under

Section 420 IPC, has been lodged on the same set of allegations to the extent that petitioner No. 2 had fraudulently procured a Permanent Resident Certificate. According to the petitioners, the record belies the allegations, which are already the subject matter of the earlier proceedings pending adjudication. The registration of the impugned FIR is, therefore, alleged to be an abuse of the process of law and liable to be quashed.

3. Heard learned counsel for the petitioners at length and perused the record.
4. Issue notice to the respondents, returnable within three weeks. Requisite steps for service of the respondents be taken within one week.
5. List this matter on **29.09.2026**.
6. In the meantime, subject to objections from the other side and till the next date of hearing before the Bench, the investigating agency shall be at liberty to proceed with the investigation in the impugned FIR No. 0118/2026 dated 24.07.2026, registered at Police Station Miran Sahib, Jammu, for commission of offences punishable under Section 420 of the IPC. However, the challan in the impugned FIR shall not be filed till further orders.
7. Alteration/Modification/Vacation laying on motion.

(Wasim Sadiq Nargal)
Judge

Jammu
27.08.2026
Nikhil