

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

CRM(M) No. 855/2022

Sanjeev Kumar

....Petitioner(s)

Through :- Mr. Muzaffar Iqbal Khan, Advocate

V/s

UT of J&K & Ors.

....Respondent(s)

Through :-

Coram: HON'BLE MR. JUSTICE MOHAN LAL, JUDGE

**ORDER
05.11.2022**

1. Petitioner is aggrieved of FIR No. 191/2021 dated 09.08.2021 of Police Station Bari Brahamana, Samba registered against the petitioner for the offences under Sections 376/354/323/504/506 IPC and challenged the same through the medium of instant petition by invoking inherent jurisdiction of this Court in exercise of powers u/s 482 of Code of Criminal Procedure for quashment of the said FIR.

2. The facts in brief are that the petitioner came in contact with private respondent No.4 through a marriage bureau and extended proposal for marriage, private respondent after the meeting, was impressed over the nobility and simplicity of the petitioner and put forward the proposal of marriage with him, the petitioner was initially suspicious and was not satisfied and rejected the proposal of private respondent, but after a week or so private respondent again approached the petitioner through N.S.Jamwal who is running the said Marriage Bureau and started persuading the petitioner to agree the proposal of the marriage, the petitioner straightway declined him on the ground that firstly arrange the meeting with her parents but the private respondent was not agreed with the same. It is further stated that in the month of October 2017 the petitioner was appointed as constable in BSF and joined his duties and since then there is no physical contact between the petitioner and respondent No.4. It is further stated that respondent No.4 with a view to wrecking vengeance against the petitioner has approached the police of Police Station Bari Brahamana by filing complaint thereby alleging that the petitioner was well acquainted with her, he developed relation with her in the year 2013 and also alleged that he will marry her and had been committing sexual intercourse with her

continuously for 4/5 years under the pretext that he will marry her. On the basis of said complaint, respondent No.3 has registered FIR No. 191/2021 which is impugned in this petition.

3. Perusal of the record suggests that there is substance in the submissions made by learned counsel for the petitioner and existence of a prima facie case entitling the petitioner to the grant of interim relief at this stage.

4. Issue notice to the respondents returnable within three weeks for filing response.

5. List on 01.12.2022.

6. Meanwhile, subject to objections from other side and till next date of hearing before the Bench, investigation in case FIR No. 191/2021 dated 09.08.2021 registered at Police Station Bari Brahamana, District Samba for the commission of offences under Sections 376/354/323/504/506 IPC, shall remain stayed.

7. Alteration/modification on motion.

(Mohan Lal)
Judge

Jammu:
05.11.2022
Vijay

