

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

**CRM(M) No. 889/2022  
CrIM No. 1832/2022**

Mohd. Sher & Ors.

...Petitioner/Appellant(s)

Through :- Ms. Rozina Afzal, Advocate

V/s

U.T of J&K & Ors.

...Respondent(s)

Through :-

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

**ORDER**  
**04.11.2022**

1. Petitioners are aggrieved of FIR No. 0081/2022 dated 05.07.2022 of Police Station Gursai, Poonch registered against the petitioners for the offences under Sections 323/324 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 petitioners have been in peaceful possession of land at Naka Manjhari under Khasra No. 1384 and 1367 since time immemorial, the private respondents are gunda elements are forcibly encroaching upon the aforementioned land of the petitioners, have uprooted and cut trees on the said land and have also been threatening the petitioners that if they raise their vice against them, they have the power to murder as they have good connections in police as well as in political field, they have also killed more than 12 goats, one buffalo and one dog belonging to the petitioners. The petitioners have approached the civil court for restraining the respondents from their illegal encroachment, the Court learned Principal District Judge, Poonch on 29.05.2018 directed the parties to maintain status quo with respect to the suit property and on 25.05.2022 directed the SDPO Menchar to get the order dated 29.05.2018 to be implemented as the private respondents despite the knowledge of the court order are flouting the orders of the Court. It is further stated that despite so many complaints and also a court case against the private respondents,

no action was taken by the official respondents for their protection under law and on contrary, respondent No.4 has registered an aforesaid FIR against the petitioners under Section 323/324 IPC which is counter to all the complaints.

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

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

5. List on 12.12.2022.

6. Meanwhile, subject to objections from other side and till next date of hearing before the Bench, investigation in case FIR No. 0081/2022 dated 05.07.2022 registered at Police Station Gursai, District Poonch for the commission of offences under Sections 323/324 IPC shall remain stayed.

7. Alteration/modification on motion.

**(Mohan Lal)**  
**Judge**

Jammu:  
04.11.2022  
Vijay

