

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

CRM(M) No. 735/2021
CrIM No. 2131/2021

Sudesh Kumar

.....Appellant/Petitioner(s)

Through :- Mr. Anil Khajuria, Advocate

v/s

UT of J&K and ors.

.....Respondent(s)

Through :-

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

ORDER

The petitioner has impugned the FIR No. 54 of 2021 dated 10.02.2021 registered with Police Station, Udhampur for commission of offences under sections 447, 147, 323, 504 and 506 IPC on the ground that the respondent No. 3 who happens to be the complainant had obtained the power of attorney from the other co-sharers who had already sold their land. It is contended that on 10.02.2021, the respondent No. 3 along with other persons started encroaching upon the land jointly held by co-sharers, when the brother of the petitioner along with two other co-sharers tried to stop, they violently thrashed them and also in the process, seriously injured the owner of the adjacent plot with sharp edged weapon regarding which the FIR No. 55 of 2021 for commission of offences under sections 307 and 147 IPC was also registered against the respondent No. 3 and others. Learned counsel for the petitioner submits that the present FIR has been lodged by the respondent No. 3 against the petitioner just to wriggle out the FIR that was lodged against the respondent No. 3.

Notice to the respondents.

Mr. Vishal Bharti, Dy. AG accepts notice on behalf of the respondent Nos. 1 and 2.

Notice to the respondent No. 3 only.

List on 27.12.2021.

Meanwhile, investigation in the FIR shall continue, however, the challan shall not be filed without prior permission of this Court.

JAMMU
22.11.2021
Neha



(RAJNESH OSWAL)
JUDGE