

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

CRM(M) No. 1001/2026

Archit Puri

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

Through: Mr. K. S. Johal, Sr. Adv. with
Mr. Karman Singh Johal, Adv.

vs

U. T. of J&K and others

..... Respondent(s)

Through: Ms. Shazia Asaf, Adv vice
Mr. P. D. Singh, Dy.AG for Nos. 1 and 2
Mr. Abhishek Wazir, Adv. for No. 3
Mr. Rajat Sudan, Adv.

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
30.09.2026

1. The petitioner, through the medium of present petition, has challenged FIR bearing No. 22/2026 dated 03.09.2026 for offence under section 85 of the Bharatiya Nyaya Sanhita, 2023 registered with Police Station, Women Cell, Jammu.
2. Issue notice to the respondents. Notice be sent to respondent Nos. 1 and 2 through Mr. P. D. Singh, Dy.AG. Mr. Abhishek Wazir, learned counsel accepts notice on behalf of respondent No. 3. He seeks time to file response to the petition.
3. Needful shall be done by next date of hearing.
4. I have heard learned counsel for the petitioner and the counsel appearing for respondent No. 3 on the question of grant of interim relief and I have also perused the record of the case.

5. Learned counsel for the petitioner has contended that impugned FIR has been lodged by respondent No. 3 only with a view to coerce the petitioner to part with huge amount of money in her favour. It has been contended that in the application filed by respondent No. 3 before the learned Magistrate under section 175(3) BNSS, a report was called by the learned Magistrate from the concerned Police Station and as per the report, preliminary verification in respect of the allegations made in the complaint was still going on when the learned Magistrate passed a direction for registration of the impugned FIR. This, according to the learned Senior Counsel, is contrary to the legal position.
6. It has also been contended that respondent No. 3 had filed an application under section 12 of the Protection of Women from Domestic Violence Act (for short the DV Act) against the petitioner and his parents before the Magistrate at Delhi and the said application to the extent of the parents of the petitioner was dismissed by the learned Magistrate. It has further been contended that the impugned FIR has been lodged by respondent No. 3 after a considerable delay without explaining the reasons.
7. Mr. Abhishek Wazir, learned counsel appearing for respondent No. 3 has contended that in the impugned FIR, there are specific allegations against the petitioner with regard to the acts of cruelty which he has inflicted upon the complainant. It has been contended that even the dates and particulars of demands relating to dowry and acts of cruelty are mentioned in the impugned FIR. Thus, the allegations made by respondent No. 3 clearly disclose commission of cognizable offence and as such, the learned

Magistrate has properly exercised his power by directing registration of the FIR.

8. Without going into the merits of the rival contentions urged by the parties, it does appear that the allegations made in the impugned FIR disclose commission of a cognizable offence. Therefore, the same are required to be investigated by the Police in accordance with law. However, having regard to the legal issues raised by the learned Senior Counsel appearing for the petitioner in the present petition, it is directed that while respondent Nos. 1 and 2 may go ahead with the investigation of the impugned FIR, they shall not file challan against the petitioner without prior permission of this Court.

9. List on 08.12.2026.

(SANJAY DHAR)
JUDGE

Jammu
30.09.2026
Rakesh PS

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No