



Sr. No. 2026.JKLHC-JMU:1655

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

CRM(M) No. 992/2025

Pronounced on : 30.05.2026

Uploaded on: 02.06.2026

- 01. Alam Hussain Age 60 years**Petitioner(s)
S/o Mohd. Akbar
- 02. Mohammad Yasser Age 23 years**
S/o Alam Hussain
- 03. Mohammad Asif Age 32 years**
S/o Alan Hussain
- All residents of Village Hasplote,
Tehsil Thannamandi District
Rajouri.**

Through: Mr. Mazhar Ali Khan, Adv.

Vs

- 01. UT of Jammu and Kashmir through
Commissioner/Secretary Home Department
Civil Secretariat Jammu and Kashmir at Jammu.**
- 02. The Senior Superintendent of Police, Rajouri.**
- 03. The Station House Officer,
Police Station, Thannamandi, District Rajouri.**
- 04. Sarveen Begum W/o Muzahir Hussain
R/o Hasplote, Thannamadi, Rajouri.**

...Respondent(s)

Through: Mr. Bhanu Jasrotia, GA

CORAM: HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

JUDGMENT
30.05.2026 (ORAL)

- 01.** Petitioners have invoked inherent jurisdiction of this Court for quashment of FIR No. 0106/2025 registered with Police Station Thanamandi District Rajouri for offences under Sections 126(2), 115(2), 351(2) and 352 of Bharatiya Nyaya Sanhita, 2023 ["BNS" for



short], *inter alia* on the ground that dispute purely of civil nature is sought to be given a criminal colour and contents of the impugned FIR, even if taken at their face value, would not disclose the commission of cognizable offence.

02. Background facts of the case are that on 21.08.2025, respondent No. 4 lodged a written complaint in the Police Station stating *inter alia* that petitioners/accused were her close relatives and they belong to the same family. Her residential house was damaged in recent rains. Her husband would often remain out of house for labour purpose and she along with her minor children resides alone in the house. She commenced the renovation of her house but petitioners did not allow.
03. It was alleged by the complainant that on 19.08.2025 at 6:30 hours, accused Alam Hussain and his two sons (petitioners herein) came to her house and started abusing her. They beat her with kicks, blows, fists and torned her clothes. She somehow managed to escape but accused persons threatened her with dire consequences. On the receipt of this complaint, impugned FIR came to be registered and investigation of the case was entrusted to the HC-Mohd. Shabir.
04. It is settled position of law that investigation of a crime cannot be scuttled at the threshold if contents of the FIR *prima facie* disclose the commission of cognizable offence or offences.
05. In the present case, the investigating agency, during investigation, recorded statements of material witnesses under Section 180 BNSS, who were acquainted with the facts and circumstances of the case. All these witnesses including the complainant have supported the



prosecution case. They have stated that on the day of occurrence, while complainant was on her way to a nearby river at about 0630 hours, the petitioners who were already standing there restrained her way and started beating her. They also assaulted the complainant with kicks and blows and threatened her with dire consequences. Some passersby saved the complainant from the clutches of the accused persons.

06. The contents of the FIR, if taken at their face value, would *prima facie* disclose the commission of cognizable offences against the petitioners. The plea raised by the petitioners that impugned FIR is a counter blast to a civil suit filed by petitioner No. 1 and his brother, is a triable issue, which cannot be decided by this court in exercise of its inherent jurisdiction.
07. For the foregoing reasons, present petition is found devoid of merit, hence dismissed along with connected CMs.
08. Interim direction, if any, shall stand vacated.
09. Investigating agency shall be at liberty to file charge-sheet in the competent Court.

(Rajesh Sekhri)
Judge

Jammu
30.05.2026
Eva

Whether the judgment is speaking or not?	Yes/No
Whether the judgment is reportable or not?	Yes/No