

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

Case:- WP(Crl) No. 67/2025

Suneel Kumar

.....Petitioner (s)

Through: Mr. C. M. Koul, Sr. Advocate with
Mr. A. R. Bhat, Advocate
Mr. Pratyaksh Deoria, Advocate

vs

UT of J&K and Ors.

..... Respondent(s)

Through: Ms. Priyanka Bhat, Assisting Counsel to
Mrs. Monika Kohli, Sr. AAG

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

10.10.2025

01. Heard learned senior counsel appearing for the petitioner at length and perused the record.

02. The petitioner, through the medium of the instant petition, has sought quashment of FIR No. 79/2016 dated 16.09.2016 for offences under sections 366, 376 and 109 RPC registered with Police Station, Dharamsal, District Rajouri, which according to the petitioner, allegedly has been registered pursuant to an incident which has taken place on 31.10.2013.

03. It is the specific case of the petitioner that the petitioner has married with one Smt. Priyanka Kmari by executing a marriage agreement and performed the marriage ceremony according to Vedic rituals in Arya Samaj Mandir, Janipur, Jammu. Both the petitioners and said Smt. Priyanka Kumari has lived as a husband and wife for sometime in Janipur, Jammu.

04. It is the specific case of the petitioner that since there was a lawful

wedlock between the parties and Smt. Priyanka Kumari is the legally wedded wife of the petitioner, and thus, there cannot be any commission of offence by the petitioner, much less, the offences contemplated under sections 366, 376 and 109 RPC in respect of the alleged FIR which has been filed against the petitioner on false and flimsy grounds and with a malice.

05. In addition, it has been argued by the learned senior counsel for the petitioner that the petitioner, in fact, has also preferred a petition under section 9 of the Hindu Marriage Act before the Court of learned Additional District Judge (Matrimonial Cases) Jammu, which is pending disposal for adducing evidence.

In the said petition/suit, following prayers have been made:

“I- Declaration declaring the plaintiff and the defendant No.1 the lawfully wedded husband and wife in the fact of the:-

(i) Marriage agreement concluded between the plaintiff and the defendant No.1 dated 08.12.2014.

(ii) The affidavit sworn by the defendant No.1 and the marriage certificate issued by the Arya Samaj, Janipur Colony, Jammu evidencing the fact that the marriage of the plaintiff and the defendant No.1 has been concluded according to the Hindu rites.

II- Permanent prohibitory injunction restraining the defendant No.1 from entering into any wedlock during the subsistence of her marriage with the plaintiff.

III- The Hon’ble Court may, in the facts and circumstances of the case, be pleased to grant any other alternate/additional relief in favour of the plaintiff and against the defendants in order to meet the ends of justice.”

06. The learned counsel for the petitioner further submits that the registration of FIR impugned is totally absurd and illegal so that the petitioner is forced to divorce his legally wedded wife and thus, prayer has been made seeking quashment of the aforesaid FIR. He further submits that the very registration of the FIR is a matter of afterthought and has been intended to apply pressure tactics to be used as a weapon to force the petitioner to abandon the said civil litigation filed by him before the learned trial court with a view to

force the petitioner to divorce his legally wedded wife and thus, the registration of impugned FIR smacks foul play and is an offshoot of malice.

07. At this stage, when the learned counsel for the petitioner was confronted with the fact why the said Smt. Priyanka Kumari was not arrayed as a necessary party in the instant petition, he has made an oral prayer that Smt. Priyanka Kumari who is legally wedded wife of the petitioner, be arrayed as a party respondent in the instant petition.

08. On the oral request of Mr. C. M. Koul, learned senior counsel appearing on behalf of the petitioner, the same is allowed.

09. Registry is directed to array Smt. Priyanka Kumari as respondent No. 4 in the instant petition. Registry to effect corresponding change in the cause title.

10. List this matter on 12.11.2025.

11. Issue notice which is waived by Ms. Priyanka Bhat, advocate appearing for official respondents.

12. In the meantime, subject to objections and till next date before the Bench, investigation in the impugned FIR No. 79/2016(supra) shall continue, however, no coercive measures shall be taken against the petitioner.

(WASIM SADIQ NARGAL)
JUDGE

JAMMU
10.10.2025
Riya Kochhar