

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

CRM(M) No. 1010/2022
CrlM No. 2104/2022

Tariq Hussain and ors.

....Petitioner/Appellant(s)

Through :- Mr. Sachin Gupta, Advocate.

V/s

UT of J&K & ors.

....Respondent(s)

Through :-

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
07.12.2022

1. Heard learned counsel for the petitioners.
2. The petitioners find themselves confronted with prospect of being named as accused persons with respect of death of one Jai Krishan which took place on 25.01.2022 at the place falling within the jurisdiction of Police Station, Ramban. As per the facts pleaded in the petition, while the inquest proceedings with respect to the death of Jai Krishan are still to reach to a conclusion, the son of the deceased-Jai Krishan, who is respondent no. 3 herein, came to approach the Chief Judicial Magistrate, Ramban with an application on 29.08.2022 i.e. more than seven months after the death of his father, under section 156(3) of the Code of Criminal Procedure, 1973 for a direction to the Police Station, Ramban for registration of FIR against the petitioners and few other unnamed persons for the alleged commission of offences under section 302/201/120-B /34 of the Indian Penal Code.
3. The tone and tenor of the application so filed by the applicant/respondent no. 3, certified copy whereof is on record, is as if the applicant/respondent

no. 3 herein from the very date of death of his father was aware of the fact that his father was a victim of murder and the petitioners and few other persons were the alleged perpetrators of the crime but still the respondent no. 3 made no efforts to get FIR registered immediately after the death of his father.

4. Prima facie case is made out.
5. Issue notice to the respondents in the main petition as also in application.
6. List the matter on 03.02.2023. Petitioners to furnish registered postal covers for service of the respondents within one week.
7. In the meantime, subject to objections and till next date of hearing, the operation of the order impugned dated 29.08.2022 passed by the Court of learned Chief Judicial Magistrate, Ramban shall remain stayed.



(RAHUL BHARTI)
JUDGE

JAMMU
07.12.2022
NARESH/PS