

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 1122/2023

Jogvinder Singh Soodan and
others

.... Petitioner/Appellant(s)

Through:- Mr. Shafiq Chowdhary, Advocate

V/s

Balbir Chand

.....Respondent(s)

Through:-

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

ORDER
11.01.2024

1. The short submission which has been advanced by the learned counsel appearing for the petitioners is that on 28.02.2022, there was a strike by the students of the college in the premises which turned violent and ultimately an FIR came to be lodged in Police Station Kathua, wherein, respondents herein was instrumental to incite the strike and violence and is a prime accused in the FIR No. 81/2022.
2. Learned counsel appearing for the petitioners submits that the FIR has been culminated into challan, which has been filed before the competent court of law. He further submits that the respondent herein has filed a complaint against the petitioner before the court of learned Chief Judicial Magistrate, Kathua, for the same incident, in which, the respondent is an accused and the learned court has already referred the said complaint to the Police under Section 202 of Cr.P.C., in which, after thorough verification, Police have found nothing against the petitioners.
3. The specific case which has been advanced by the learned counsel for the petitioners is that the court below has brushed aside the report submitted by

the Police and instead has taken cognizance in the impugned complaint and has issued process against the petitioners in gross violation of law. He further submits that no offence falling under Sections 341, 323, 325 and 34 of IPC has been committed by the petitioners and the impugned complaint is an outcome of the FIR which has been registered against the accused and is an abuse of process of law, and in case the aforesaid complaint is allowed to proceed, grave prejudice will be caused to the petitioners who are Government employees and are serving in Government PG College, Kathua.

4. Heard learned counsel for the petitioners at length and perused the record.
5. *Prima facie* case for indulgence is made out.
6. Issue notice to the respondents. Steps for service of the respondents within one week. Subject to petitioners taking steps, Registry to issue notice to the respondents, returnable within four weeks.
7. List on 14.02.2024.
8. In the meantime, subject to objections and till next date of hearing, proceedings in the complaint titled “Balbir Chand Vs. Jogvinder Singh and others”, pending before the court of Chief Judicial Magistrate, Kathua, shall remain stayed. Registry is directed to summon the scanned record in case titled “Balbir Chand Vs. Jogvinder Singh and others” from the court of Chief Judicial Magistrate, Kathua.
9. Alteration/modification on laying motion.

(WASIM SADIQ NARGAL)
JUDGE

Jammu
11.01.2024
Vishal