

**(2018) 07 J&K CK 0025**

**In the Jammu And Kashmir High Court**

**Case No : Other Writ Petition No.861 Of 2018**

**Dr. Mussarat Jabeen @APPELLANT@Hash State Of Jammu & Kashmir And Ors**

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**Date of Decision : 03-07-2018**

**Acts Referred:**

Jammu and Kashmir State Ranbir Penal Code, 1989 — Section 147, 323, 383, 420, 456, 467, 468  
Code of Criminal Procedure 1973, — Section 156(3)

**Citation : (2018) 07 J&K CK 0025**

**Hon'ble Judges : Sanjay Kumar Gupta, J**

**Bench : Single Bench**

**Final Decision : Disposed Off**

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## **Judgement**

The instant writ petition has been filed seeking the following reliefs:-

â??Mandamus:-

1) Commanding the respondent No. 1 and 2 to constitute a Special Investigating Team (STI) of the Officers of HighÂ Integrity to investigate the

case FIR No. 306/2017 dated 17.12.2017 registered at Police Station, Surankote District Poonch under Sections 420,467,468 RPC or in the alternative

handover the investigation of said FIR No. 306/2017 dated 17.12.2017 to premier Investigating Agency like Crime Branch (CB) so that the

investigation in the aforesaid FIR be done in fairer/transparent manner and the accused will be dealt in accordance with the provisions of law.

2) Commanding the respondents to provide adequate security cover to the petitioner and also to her other family members as the accused person in

FIR No. 306/2017 dated 17.12.2017 as well as respondent No. 5 are continuously harassing the petitioner and her family members and are

pressurizing the petitioner not to pursue the said FIR otherwise the petitioner

and her family members will face dire consequences.Â

3) Commanding the respondents/SIT (as the case may be) to file periodical status report for the judicial scrutiny of this Honâ??ble Court in FIR No.

306/2017 dated 17.12.2017 with a further prayer before this Honâ??ble Court to monitor the investigation in the aforementioned FIR in view of the

peculiar facts and circumstances of the present case.â??

2. The petitioner claims to be an Associate Professor presently posted in Govt. Degree College, Surankote. It is stated that respondent No. 5 who is

the employee of Police Department and claims to be the paternal uncle of one Mehmood Ahmed approached the father of the petitioner with an offer

to marry the petitioner with aforementioned Mehmood Ahmed, which was rejected by the father of the petitioner.

3. Learned counsel for the petitioner states that proposal of marriage rejected by the father of the petitioner was not taken in good taste by the

respondent No. 5 and he started issuing threats to get petitioner forcibly married with an intention to grab the entire property of the petitioner as the

petitioner is the only issue of her parents and, accordingly, the respondent No. 5 and other hatched a conspiracy and have drafted and thereafter

executed a false, frivolous, fake and fabricated marriage agreement, whereby the signatures of the petitioner were forged. It is further stated that

when the petitioner enquired with regard to the formation of the aforesaid agreement, the said Mehmood Ahmed, respondent No. 5 had threatened the

father of the petitioner that they will kidnap the petitioner.Â

4. It is further stated that with regard to the threat perception, the father of the petitioner filed a representation dated 04.12.2017 to the Senior

Superintendent of Police, Poonch, who onÂ Â 04.12.2017 directed respondent No. 4 to call the accused persons including respondent No. 5 so as to

ascertain the truth and report compliance on priority.Â Thereafter, petitioner, her father and her paternal uncle, namely, Mohmmamad Azam made

number of visits to the Police Station, Surankote with a request to take the appropriate action against the accused persons by registering a formal FIR

against them and when nothing was done for a considerable time the petitioner on 16.12.2017Â filed an application under Section 156(3) CrPC before

the Court of Learned Chief Judicial Magistrate, Poonch. The Chief Judicial Magistrate, Poonch on 16.12.2017 directed the respondent No. 2 to take

necessary action under law. It is stated that after issuance of the aforesaid order, FIR No. 306/2017 dated 17.12.2017 under Sections 420,467,468

RPC came to be registered against the accused persons. It is stated that instead of investigating the aforesaid FIR, a false and frivolous FIR No.

44/2018 has been registered against the petitioner at Police Station, Surankote under Sections 456/147, 382/323 RPC on the instance of respondent

No. 5 in order to harass and to pressurize the petitioner and her father not to pursue FIR No. 306/2017.

4. During the course of the arguments, learned counsel for the petitioner states that the petitioner would be satisfied, if respondent No. 3- Senior

Superintendent of Police, Poonch is directed to conclude the investigation in FIR No. 306 dated 17.12.2017 within some time bound manner. To

this, other side is not averse. There is no legal impediment in granting such relief.

5. In view of the aforesaid submissions made by learned counsel for the petitioner and in the facts of the case, the instant writ petition is disposed of

with the direction to Respondent No. 3-Senior Superintendent of Police, Poonch to direct the Investigating Officer to conclude the investigation in FIR

No. 306/2017 dated 17.12.2017 registered at Police Station Surankote District Poonch expeditiously, preferably within a period of eight weeks.

6. Writ petition is disposed of as above.