

(2025) 07 J&K CK 0445
In the Jammu And Kashmir High Court
Case No : CrIM No. 1250 Of 2024

Mobeen Akhter & Ors

APPELLANT

Vs

UT of J&K & Ors

RESPONDENT

Date of Decision : 14-07-2025

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 156(3), 161, 482
Indian Penal Code, 1860 — Section 147, 341, 323, 452

Citation : (2025) 07 J&K CK 0445

Hon'ble Judges : Rajesh Sekhri, J

Bench : Single Bench

Advocate : Shamas-ud-Din Shaaz, Eishaan Dadhichi

Final Decision : Dismissed

Judgement

Rajesh Sekhri, J

1. Petitioners have invoked inherent jurisdiction of this Court under Section 482 Cr.P.C. for quashment of FIR No.0120/2024 for the commission of offences under Sections 452/323/147 IPC.

2. As factual narration of the present case would unfurl, private respondent No.3 namely, Chana Bi preferred a complaint in the court of learned Sub-Judge, Surankote under Section 156(3) Cr.P.C. alleging, inter alia, that on 08.05.2024, petitioners-accused, in furtherance of common criminal intention, trespassed into her residential house and started beating her with fists and blows. The complaint was forwarded to the respondent Police Station.

3. On the receipt of aforesaid complaint, impugned FIR came to be registered against the petitioners. During investigation, the I.O. besides legal formalities, recorded statements of the complainant and witnesses under Section 161 Cr.P.C. Learned counsel for official respondents No.1 and 2 has also produced medical report of the injured. Same is taken on record.

4. The investigation revealed that son of the complainant namely, Khalid Manzoor married petitioner No.1-Mobeen Akhter in 2008. Later, Khalid Manzoor divorced his wife-petitioner No.1. It surfaced during investigation that on 08.05.2024, when complainant was coming back from her cattle shed and reached near her residential house, at about 07.00 hrs, petitioner No.1, Mobeen Akhter restrained her, beat her with fists and blows and pelted stones, due to which, she sustained injuries. It also transpired, during investigation that rest of petitioners No.2 to 5 were not present at the scene of occurrence. Therefore, offences under Sections 341/323 IPC were established against petitioner No.1 only.

5. This Court is vested with inherent jurisdiction, to prevent the abuse of process of any law or to secure the ends of justice. However, this jurisdiction can be exercised sparingly with circumspection and in rarest of rare cases. It is trite that if the contents of the FIR or the complaint, prima facie disclose the commission of cognizable offence/offences, this Court cannot embark upon an enquiry as to the reliability, genuineness or otherwise of the allegations and scuttle or stifle the investigation.

6. Since the impugned FIR prima facie discloses the commission of cognizable offences and same have been established against petitioner No. 1 during investigation, the present petition does not call for interference.

7. For the foregoing reasons, the present petition on behalf of petitioner No. 1 is dismissed and since the involvement of rest of the petitioners has not been proved during investigation, the present petition on behalf of rest of the petitioners is dismissed as rendered infructuous.

8. Disposed of along with connected CrIM(s).

9. Interim direction, if any, shall stand vacated.