

(2018) 07 J&K CK 0024

In the Jammu And Kashmir High Court

Case No : Other Writ Petition No.1242 Of 2018

**Shamas Din And Ors. @APPELLANT@Hash State Of Jammu & Kashmir
And Ors**

Date of Decision : 03-07-2018

Acts Referred:

Citation : (2018) 07 J&K CK 0024

Hon'ble Judges : Sanjay Kumar Gupta, J

Bench : Single Bench

Final Decision : Disposed Off

Judgement

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

â??Mandamus:-

i) Commanding the respondents No. 1 to 4 to provide adequate security cover to the petitioners as there is every apprehension that the respondents

No. 5 and 9 may again attack the petitioners and may try to kidnap the petitioners 3 to 8 as the said attempt was already made by respondents 5 to 9 on 13.06.2018.

ii) Commanding the respondents 1 to 4 to ensure that no harassment be caused too the petitioners at the behest of respondent No. 5 to 9 and their relatives, who are bent upon to inflict severe damage to the petitioners.Â

iii) Commanding the respondent No. 2 to constitute a Special Investigation Team (SIT) of the Officers of High Integrity to investigate the case as

projected by the petitioner No. 1 while submitting an application dated 14.06.2018 to the respondent No. 4 and notice dated 19.06.2018 served upon

the respondent No. 3 and 4 after registering the formal FIR against the respondent No. 5 to 9.â??

2. The case of the petitioners is that on 13.06.2018, when petitioner Nos. 1 and

2 after attending the local Bandhara reached home, they hear the cries and screams of their daughters and came to know that private respondents attacked the family of the petitioners and burnt the residential house i.e. Kulla of the petitioners along with all the utensils/belongings lying in the said residential house. It was also noticed that private respondents have stolen the gold ornaments and Rs. 55,000/- cash from their house. It is stated that petitioners No. 1 and 2 also came to know that private respondent No. 5-Zakir Hussain after putting his hands on the mouth of their daughter, namely, Saleema tried to kidnap her, but on noticing the petitioners 1 and 2 coming to their residence, they ran away.

3. Learned counsel for the petitioners states that when the attempt to kidnap the petitioners 3 to 8 was made by the private respondents, they resisted the same and in that process all the private respondents have given severe beatings to the petitioners 3 to 8 and even the youngest daughter of the petitioners 1 and 2 was not spared. It is stated that on 14.06.2018 petitioner No. 1 submitted an application/ complaint to the SHO, Police Station, Bishnah seeking registration of FIR against the private respondents. When the FIR was not registered, petitioner No. 1 served a legal notice dated 19.06.2018 upon respondent No. 3-Senior Superintendent of Police, Jammu seeking appropriate directions to the Station House Officer, Police Station, Bishnah to register the FIR against the private respondents under the relevant provisions of law, however, no steps were initiated with regard to registration of FIR against the accused persons. It is further stated that on the one hand police authorities including respondents 3 and 4 are not taking any action against the accused persons and on the other hand the respondents 5 to 9 are extending threats to the petitioners.

4. It is stated that there is every apprehension that the private respondents may once again attack the petitioners and inflict injuries upon the petitioners as was done by them on 13.06.2018. It is further stated that there is apprehension of untoward incident at the hands of private respondents, therefore, respondents 1 to 4 be directed to provide adequate security cover to the petitioners.

5. During the course of the arguments, learned counsel for the petitioners states that the petitioners would feel satisfied, if respondent No. 4-SHO Police Station, Bishnah is directed to register FIR on the complaint made by the

petitioner No. 1. To this, other side is not averse. There is no legal impediment in granting such relief.

6. In view of the aforesaid submissions made by learned counsel for the petitioners and in the facts of the case, the instant writ petition is disposed of with the direction to respondents 3 and 4 to consider the claim of the petitioners and register FIR on the complaint made by the petitioner No. 1, if cognizable offence is made out.Â

7. The petitioners also seek protection from the hands of private respondents 5 to 9. If such application is made by the petitioners to respondents 3 and

4, same shall be considered and appropriate orders be passed under rules.Â Â 8. With the aforementioned observations, the writ petition is disposed of along with connected MP.