

(2022) 09 J&K CK 0055

Jammu And Kashmir High Court

Case No: Criminal Miscellaneous No. 710 Of 2022

Abdul Khaliq And Others

APPELLANT

Vs

UT Of Jammu And Kashmir And
Ors

RESPONDENT

Date of Decision: Sept. 22, 2022

Acts Referred:

- Indian Penal Code, 1860 - Section 147, 323, 341, 504B

Hon'ble Judges: Sanjay Dhar, J

Bench: Single Bench

Advocate: M.I.Sherkhan

Judgement

Sanjay Dhar, J

The petitioner has challenged FIR No. 204/2022 for offences under Sections 341,323,147,504-B IPC registered with Police Station Surankote, District

Poonch.

As per the impugned FIR lodged by respondent No.5, on 04.07.2022 at about 8 am, when wife of the complainant Mst. Hameeda Begum was going to

cut grass for cattle, the petitioners, in connivance with each other, with an intention to commit murder of the aforementioned lady, wrongfully restrained

her and thereafter launched a murderous attack on her with lathies. It is further alleged that, as a result of this attack, the wife of the complainant fell

down unconscious and the petitioners, with a view to kill her, threw her down the hill which resulted in injuries to her body and fracture to her arm.

Learned counsel for the petitioners has submitted that Mst. Hameeda Begum was never attacked or beaten by the petitioners and, as a matter of fact,

she slipped down from the hill as the same had become slippery because of rain. It has been contended that there is a previous enmity between the parties as has been admitted by the complainant in the impugned FIR. Learned counsel for the petitioners has further submitted that petitioner No.3 had, on a previous occasion, filed a complaint against the complainant party, but the police did not register the same and as a counter blast to the same, the impugned FIR has been lodged.

Having heard learned counsel for the petitioners and having perused the material on record, a case for grant of interim indulgence is made out.

Issue notice to the respondents. Notice be sent to respondent Nos. 1 to 4 through Mr. Adarsh Bhagat, G.A. Notice be sent to respondent No.5

through the concerned Police Station. Learned counsel for the petitioners shall furnish copy of the petition to Mr. Bhagat, learned G.A.who may file

his response by next date of hearing.

In the meanwhile, it is provided that investigation in the impugned FIR shall go on, but in case the challan is intended to be filed against the petitioners,

the same shall not be filed without prior permission of this Court.

Be listed on 10.10.2022.