

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

*Reserved on: 13.05.2026.
Pronounced on:18.05.2026
Uploaded on:19.05.2026
Whether operative part or full
judgment has been pronounced: Full*

CRM(M) 241/2023
CrIM(597/2023)
CrIM(598/2023)

Majid Yaqoob Dar ...Petitioner(s)/Appellant(s).
S/o Mohd Yaqoob Dar
R/o Ishber, Nishat, Srinagar
Aged: 48 years

Through: Mr. Shafqat Nazir, Advocate
Vs.

1. Union Territory of Jammu and Kashmir Through SHO Police Station Economics Wing Crime Branch, 3rd Floor Era Building Exhibition Ground Srinagar, 190001 ...Respondent(s).
2. Jammu and Kashmir Cricket Association Through Its Sub Committee Sheri Kashmir Cricket Stadium Sonwar, Srinagar, Kashmir, 190001

Through: Mr. Mohsin-ul-Showkat Qadiri, Sr. AAG with
Mr. Haris, Advocate for R-1
Mr. Arif Sikander Mir, Advocate for R-2

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

JUDGEMENT
18.05.2026

1. The present petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure seeking the following reliefs:

- a) *To Quash/Set-Aside, FIR No. 26/2023 dated 25.5.2023 registered by Crime Branch, Kashmir.*
- b) *To Quash/Set-Aside the Complaint No. JKCA/CEO/20/230 dated 12-09-2020 along with PV No. 40/2021 of Police Station Crime Branch, Kashmir*
- c) *To Quash/Set-Aside, DO No. EOW/DySP/ZA/PV-40/2021 dated 18-01-2023 issued by Zahoor Ahmad-JKPS Deputy Superintendent of Police Economic Offence Wing Crime Branch Srinagar.*
- d) *Any other relief or direction which this Hon'ble Court deems fit and proper may also be granted in favor of the Petitioner and against the Respondents under the facts and circumstances of the case.*

BRIEF FACTS:

2. The brief facts of the case are that the Petitioner is an Ex-Ranji Player who represented the State of Jammu and Kashmir (now Union Territory) in Ranji Trophy Cricket from the year 2003 to 2014. On 12-09-2020, the Chief Executive Officer of Jammu and Kashmir Cricket Association, Srinagar lodged a complaint before the Senior Superintendent of Police, Crime Branch, Kashmir alleging that the Petitioner had produced a false date of birth certificate, reflecting his date of birth as 30.12.1978 while his actual date of birth is 30.12.1970 at the time of registration for Ranji Trophy Tournament in the year 2013, and had thereby fraudulently secured registration and obtained monetary and other benefits.
3. Pursuant to the aforesaid complaint, the Crime Branch, Kashmir initiated a preliminary verification/preliminary enquiry and appointed the Deputy Superintendent of Police, Economic Offence Wing, Crime Branch, Kashmir as the Enquiry Officer.

4. During the enquiry, the Jammu and Kashmir Cricket Association conducted an internal enquiry and found the allegations against the Petitioner to be unsustainable, whereafter the complaint was withdrawn vide report dated 16-03-2022 and the Crime Branch was informed that the allegations were false and devoid of logic. Despite subsequent communications exchanged between the Enquiry Officer and the Jammu and Kashmir Cricket Association, wherein the Association reiterated that the available record had already been furnished and sought closure of the complaint, the enquiry proceedings continued.
5. Aggrieved of the same the Petitioner has filed the present petition seeking quashment of the FIR along with Complaint No. JKCA/CEO/20/230 dated 12.09.2020 read with Preliminary Verification No. 40/2021 of Police Station Crime Branch, Kashmir and DO No. EOW/DySP/ZA/PV-40/2021 dated 18-01-2023.
6. The record reveals that this Court, vide order dated 02.06.2023, after hearing learned counsel for the petitioner as well as learned counsel appearing for respondent No. 2, and upon being prima facie satisfied, stayed the operation of impugned FIR No. 26/2023 dated 25.05.2023.

ARGUMENTS ON BEHALF OF THE PETITIONER

7. When the matter was taken up for consideration on 11.05.2026, Mr. Shafqat Nazir, learned counsel appearing for the petitioner, invited the attention of this Court to Annexure-IV, i.e., communication dated 16.03.2022, a bare perusal thereof reveals that the complaint lodged by the then Chief Executive

Officer appears to have been motivated and aimed at victimization of the petitioner, particularly when the date of birth of the petitioner had already been accepted and acted upon at the relevant point of time. It further emerges that despite the alleged discrepancy, Shri Majid Dar had subsequently represented the Jammu and Kashmir Cricket Association in senior tournaments and had performed commendably, which is duly reflected in his official record.

8. The aforesaid communication further reveals that the certificate issued by Jammu and Kashmir Board of School Education prima facie appeared to be unreliable and unsupported by any cogent basis, particularly in view of the fact that the marriage of the parents of Shri Majid Dar had taken place in the year 1973, thereby rendering the allegation regarding his date of birth being recorded as 1970 doubtful. The matter was thereafter deliberated upon by the Sub-Committee of the J&K Cricket Association, which concluded that the allegations were baseless and appeared to have been levelled only to harass the petitioner on account of internal disputes prevailing in the Association at the relevant point of time.

9. It is further reflected in the said communication that the J&K Cricket Association possesses the authority to seek withdrawal of the impugned FIR so as to prevent further harassment of a former cricketer of repute. However, since the Sub-Committee was functioning under the directions of the Committee constituted by the Board of Control for Cricket in India for JKCA, which included office bearers of BCCI, it was considered imperative to obtain prior consent and concurrence before approaching the police

authorities for non-prosecution/withdrawal of the FIR. Accordingly, authorization was sought for permitting the Sub-Committee of J&K Cricket Association to approach the Crime Branch, J&K Police in that regard.

10. The matter, however, did not end there. Learned counsel for the petitioner also invited the attention of this Court to another communication dated 18.07.2022, a perusal thereof reveals, that pursuant to the internal enquiry conducted by the J&K Cricket Association, no material substantiating the allegations could be found, and accordingly, it was observed that the complaint, being false and motivated, deserved to be closed at the earliest. The said communication was addressed by a Member of the Sub-Committee, on behalf of the J&K Cricket Association, to the Deputy Superintendent of Police/Enquiry Officer, Economic Offences Wing/Crime Branch, Srinagar.

11. In view of the aforesaid record placed before this Court, this Court deemed it appropriate, vide order dated 11.05.2026, to direct the personal appearance of Brigadier Anil Gupta, complainant and Member Administration, JKCA, before the learned Registrar Judicial, Srinagar, on 12.05.2026, so that his statement could be recorded and the matter thereafter be taken to its logical conclusion.

12. Pursuant to the aforesaid order, the statement of Brigadier Anil Gupta (Retd.) stands recorded before the learned Registrar Judicial, Srinagar, on 12.05.2026. It has come on record that on 12.09.2020, the then Chief Executive Officer of the Jammu and Kashmir Cricket Association lodged a complaint before the office of SSP, Crime Branch, Kashmir, alleging that the

petitioner had fraudulently secured his registration for participation in the Ranji Trophy by producing a manipulated date of birth certificate showing his date of birth as 30.12.1978, whereas according to the complaint, his actual date of birth was 30.12.1970, and on that basis a probe into the matter was sought.

13. It has further come on record that subsequently the matter was examined and deliberated upon by the Sub-Committee of the J&K Cricket Association, which concluded that the allegations were entirely baseless and appeared to have been levelled only with the intention to harass the petitioner on account of internal disputes prevailing within the Association at the relevant point of time. It was further noted that for participation in the Ranji Trophy, age is immaterial and there exists no age restriction for playing the tournament. Moreover, the remuneration received by the petitioner was solely towards the matches played by him for J&K in the Ranji Trophy, which was his legitimate entitlement, and no element of misappropriation of funds was found attributable to him.

14. The statement of Brigadier Anil Gupta, further reveals that the complaint filed by the then Chief Executive Officer appears to have been motivated and intended to victimize Shri Majid Dar. The date of birth record, having already been accepted at the relevant point of time, could not reasonably have been questioned after such a prolonged period, particularly when Shri Majid Dar had subsequently represented the J&K Cricket Association in senior-level tournaments and had performed with distinction, as reflected in the official records.

15.It has also come on record that the marriage of the parents of Shri Majid Dar had taken place in the year 1973, thereby prima facie ruling out any possibility of his year of birth being 1970. The issue was accordingly deliberated upon by the Sub-Committee of the J&K Cricket Association, which concluded that the allegations were baseless and had been levelled merely to harass Shri Majid Dar on account of internal political considerations prevailing within the Association at the relevant point of time.

16.It has further been stated that Shri S.A.H. Bukhari, being a former senior police officer, appears to have influenced the registration of the case. It has also been specifically stated that the matter neither involved public funds nor any allegation of misappropriation.

17.It has also come on record that vide communication dated 18.07.2022 addressed to the Deputy Superintendent of Police, Economic Offences Wing, Srinagar, the Sub-Committee of the Jammu and Kashmir Cricket Association had already informed the authorities that no material substantiating the allegations could be traced in the official records and that the complaint, being false and motivated, deserved to be closed.

18.Most significantly, Brigadier Anil Gupta (Retd.), Member Administration, JKCA, has categorically stated before the learned Registrar Judicial that the J&K Cricket Association does not wish to pursue the prosecution any further and seeks closure of the impugned FIR.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS

19.Mr. Mohsin-ul-Showkat Qadiri, learned Senior AAG for respondent No.1, submits that in light of the stand taken by the complainant-association and also in light of the statement made by Brigadier Anil Gupta (Retd.), Member Administration, JKCA, he has no objection in closure/quashment of the impugned FIR and consequential proceedings emanating therefrom.

20.Mr. Arif Sikander Mir, learned counsel for respondent No.2, submits that the stand taken by the petitioner in the instant writ petition stands vindicated in light of the findings of the Sub-Committee of J & K Cricket Association, which resolved that continuation of the complaint was unwarranted and recommended that that the same deserved to be closed. He, placing reliance on the statement of Brigadier Anil Gupta (Retd.), submits that it is a fit case for quashment of impugned FIR on account of being loathed with malice.

21.Heard learned counsel for the parties, perused the material on record and considered their submissions.

LEGAL ANALYSIS

22.In light of the aforesaid material brought on record, coupled with the categorical stand now taken by the complainant-Association, it clearly emerges that the allegations levelled in the impugned FIR cannot be sustained and the very foundation of the complaint itself stands substantially eroded.

23. This Court cannot overlook that criminal law cannot be permitted to be used as an instrument of harassment or for settling internal disputes of an institution. Once the complainant itself, after examining the entire matter through its internal mechanism, has found the allegations to be baseless, unfounded and unsupported by the official record, continuation of criminal proceedings would serve no useful purpose and would amount to abuse of the process of law.

24. It is well settled that the inherent jurisdiction of this Court under Section 482 Cr.P.C. can be exercised to prevent abuse of the process of law and to secure the ends of justice where continuation of criminal proceedings would amount to sheer harassment and where the allegations, even if taken at their face value, do not disclose the commission of any cognizable offence. The Hon'ble Supreme Court in State of **Haryana v. Bhajan Lal**, , reported as **1992 Supp (1) SCC 335**, has authoritatively held that where criminal proceedings are manifestly attended with mala fide intention or maliciously instituted with an ulterior motive for wreaking vengeance, the High Court would be justified in exercising its inherent powers to quash such proceedings. For facility of reference relevant part of judgement is reproduced below:

“ In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it

may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

25. Reference to **Mohd. Wajid v. State of U.P.** reported as (2023) 20 SCC 219

would also be appropriate, wherein it was held as under:

“36. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely.

37. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not.

38. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation...”

26. The present case, viewed in the backdrop of the material placed on record, clearly falls within the parameters laid down by the Hon’ble Supreme Court in the aforesaid judgment. The complainant-Association itself, after conducting an internal scrutiny through its duly constituted Sub-Committee,

has unequivocally concluded that the allegations were baseless, motivated and unsupported by any official record. Once the very institution at whose instance the criminal machinery was set into motion has itself disowned the allegations and seeks closure of the proceedings, continuance of the investigation would be wholly unjustified

27. This Court is also conscious of the settled principle that criminal law cannot be permitted to degenerate into a weapon of persecution or be utilized for oblique purposes arising out of personal or institutional rivalries. The material brought on record prima facie reflects that the impugned proceedings stemmed from internal disputes prevailing within the Association at the relevant point of time rather than from any genuine criminal misconduct attributable to the petitioner.

28. A bare perusal of record reveals that the matter was examined in detail by the duly constituted Sub-Committee of the Jammu and Kashmir Cricket Association, which, upon scrutiny of the relevant records and circumstances, concluded that the allegations levelled against the petitioner were devoid of any factual foundation. The Sub-Committee, after deliberation, resolved that continuation of the complaint was unwarranted and accordingly recommended that the same deserved to be withdrawn/closed in order to prevent further harassment of the petitioner.

29. Furthermore, pursuant to the directions issued by this Court, the statement of Brigadier Anil Gupta (Retd.), Member Administration, JKCA, came to be recorded before the learned Registrar Judicial, Srinagar. In his statement,

Brigadier Anil Gupta has categorically affirmed that the Jammu and Kashmir Cricket Association does not intend to pursue the matter any further and sought closure of the impugned FIR.

30. In view of the aforesaid circumstances, coupled with the findings returned by the Sub-Committee of the Jammu and Kashmir Cricket Association as well as the categorical statement of Brigadier Anil Gupta (Retd.), Member Administration, JKCA, seeking closure of the proceedings, this Court is of the considered opinion that nothing further survives for investigation or prosecution in the matter. The very substratum of the allegations having been rendered non-existent, continuation of the impugned proceedings would amount to sheer abuse of the process of law and unnecessary harassment to the petitioner. Accordingly, the impugned FIR and consequential proceedings emanating therefrom cannot sustain the test of law and are liable to be quashed.

31. Therefore, the continuation of criminal proceedings despite the absence of foundational material and the categorical stand of the complainant-Association seeking closure of the matter would therefore amount to misuse of the criminal justice system. The same would not advance the cause of justice but would instead perpetuate unnecessary harassment and prejudice to the petitioner. This Court is thus satisfied that the present case warrants exercise of inherent jurisdiction to secure the ends of justice.

32. Accordingly, the present petition is allowed and the impugned FIR No. 26/2023 dated 25.05.2023 registered by Crime Branch, Kashmir, arising out

of the Complaint No. JKCA/CEO/20/230 dated 12.09.2020 along with PV No. 40/2021, and D.O. No. EOW/DySP/ZA/PV-40/2021 dated 18.01.2023 issued by the Deputy Superintendent Of Police Economic Offence Wing Crime Branch, Srinagar of Police Station Crime Branch, Kashmir, are hereby quashed.

33. Petition stands **disposed of** along with connected applications.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:
18-05-2026
Mubashir

- i. Whether the order is speaking: Yes/No
- ii. Whether is order is reportable: Yes/No