

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

WP(C) 1948/2026

WASIM AHMAD RESHI

...Appellant(s)/Petitioner(s)

Through: Mr. Wani Manzoor, Advocate

Vs.

UT of JK and others

...Respondent(s)

Through: Mr. Harris Khan, Assisting counsel

CORAM:

HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

09.09.2026

1. Heard both the counsels and have also examined the affidavit filed by the respondents in compliance to order dated 17.08.2026.
2. It appears from the submissions advanced by counsel for the parties that FIR No. 198/2026 stands registered at Police Station Ramban for offences under Section 137, Bharatiya Nyaya Sanhita (BNS) and Sections 4/5 of the Protection of Children from Sexual Offences (POCSO) Act. In connection with the said FIR, Police Station Ramban, on 06.08.2026, addressed a communication to the SHO, Police Station Magam, requiring the petitioner to render assistance in the investigation.
3. It appears that the petitioner, who is an Advocate by profession, had drafted an affidavit on behalf of the alleged victim in respect of whom the aforesaid FIR had been registered. It was in connection

with the investigation/enquiry arising out of the said FIR that the petitioner was called upon to appear before the Police.

4. The case set up by the petitioner is that, under the garb of investigation of the aforesaid FIR, he was subjected to intimidation and harassment and was repeatedly called to the Police Station without adherence to the due process of law. The said contention is strongly controverted by counsel for the respondents, who submits that the affidavit drafted by the petitioner indicates that the alleged victim, who was reported missing and in respect of whom the FIR had been registered, had been in contact with the petitioner. It was in this background that the Police, upon receipt of information from Police Station Ramban, sought to enquire from the petitioner about the whereabouts of the alleged victim.

5. In the aforesaid circumstances, it cannot be said that the respondents, while conducting the investigation in connection with the FIR, acted de hors the process of law. Merely because the petitioner is an Advocate does not place him above the law. Rather, being an officer of the Court and well versed with the legal position, he is expected to render such lawful assistance to the Investigating Agency as may be required so that the truth concerning the alleged offence is brought to light and, if an offence has indeed been committed, the offender is brought to justice. Such cooperation is in consonance with the administration of justice and the duties expected of an officer of the Court. At the same time, the Police Agency is equally required to act strictly within the four corners of law. Therefore, while seeking any information or assistance from

the petitioner in connection with the alleged victim or the investigation of the aforesaid FIR, the Investigating Agency shall scrupulously adhere to the procedure established by law.

6. Learned counsel for the petitioner submits that, after the filing of the present petition, the Police Agency has stopped calling the petitioner. He fairly concedes that, as on date, the cause of action does not survive. He, however, submits that, in order to obviate any apprehension of harassment in future, an appropriate direction may be issued to the Police Agency not to summon, call or otherwise require the petitioner's presence except in accordance with the due process of law.
7. Having regard to the aforesaid submissions and the circumstances of the case, the present petition is disposed of with a direction to the respondents that, while proceeding with the investigation of FIR No. 198/2026, if the assistance or presence of the petitioner is required, the same shall be sought strictly in accordance with the procedure prescribed by law. The petition stands disposed of in the above terms, along with the connected CM(s)

(SANJAY PARIHAR)

JUDGE

Srinagar
09.09.2026
"Imtiyaz"