Serial No. 02
Regular Cause List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM (M) No. 891/2026
CrlM No. 2024/2026

Mohammad Aslam Raina **…Petitioner(s)**

Through:
Mr Irshad Rasheed, Advocate.

V/s.

Union Territory of Jammu & Kashmir and Ors. **...Respondent(s)**

Through:
Mr Bikramdeep Singh, Dy. AG.

CORAM:
Hon'ble Mr Justice Shahzad Azeem, Judge.

ORDER
04.11.2026

ORAL:

01. The Petitioner has approached this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [BNSS], seeking quashing/ expunging of certain remarks contained in the Police Report dated 17th of August 2026, submitted by the Station House Officer (SHO), Police Station Chadoora.

02. The brief background of the grievance of the Petitioner is that Respondent No.4 had filed a Complaint under Section 175 (3) of the BNSS before the Court of learned Judicial Magistrate 1st Class, Chadoora titled **'Shafaat Ahmed Shah V. Zia-ul-Haq Raina & Ors.'**, seeking registration and fair investigation of cognizable offences disclosed against the accused therein, including against the Petitioner. The learned Magistrate called for a Report from the Police concerned. In compliance, the Station House Officer (SHO), Police Station Chadoora filed the aforesaid Report, which, *inter alia*, contained the following observations/ allegations against the Petitioner:

> "It also transpired that, as per the available records of this Police Station Mohammad Aslam Raina S/O Abdul Rehman Raina resident of Hussipora Chadoora, District Budgam is a Pak trained militant. As per the records of this Police Station the subject is a POK trained militant who went to POK illegally in year 1991 and returned back in the same year who remained

> affiliated with HM outfit. He was arrested in the year 1992 and released in year 1993. Besides, two more criminal cases viz. FIR No. 141/2007 U/S 447-A RPC were registered in this Police Station against the Mohammad Aslam Raina and challan of both the cases were produced before the Hon'ble Court of law Chadoora, wherein the accused was acquitted in case FIR No. 26/2019 U/S 341, 323, 447, 506 RPC on 18.07.2026 while as another is still at large against him."

03. Learned Counsel for the Petitioner submits that the above remarks have no nexus with the allegations in the Complaint filed under Section 175 (3) of the BNSS. It is further urged that the alleged accusations against the Petitioner are baseless, unwarranted and have far-reaching consequences, amounting to character assassination not only of the Petitioner but of his family as well.

04. It is further submitted that the Petitioner had already approached the Station House Officer concerned with a formal application dated 28th of September, 2026, seeking complete material on the basis of which these militancy-related averments were made, but no response has been received so far.

05. Mr Bikramdeep Singh, the learned Deputy Advocate General, enters appearance on behalf of Respondents No. 1 to 3 and submitted that if the Petitioner approaches the concerned Station House Officer, the entire material shall be furnished to him in accordance with law.

06. Heard learned Counsel for the parties.

07. *Prima facie*, the remarks relating to the Petitioner being a PAK/POK-trained militant and his past criminal cases are based on material and record maintained at Police Station Chadoora. The Petitioner has categorically stated that the said material has not been supplied to him, despite his application dated 28th of September, 2026.

08. In these circumstances, it is just and proper that the Petitioner be first supplied the relevant material forming the basis of the impugned remarks, so that he may examine the same and, thereafter, avail such remedy as may be available to him under law.

09. Accordingly, this Petition is **disposed** of at this stage with a direction to the Station House Officer (SHO), Police Station Chadoora to consider the Petitioner's application/ notice dated 28th of September, 2026

and furnish the relevant material to him as permissible under law. Thereafter, the Petitioner shall be at liberty to avail the appropriate remedy in accordance with law. However, it is made clear that this direction shall not be construed as an immunity to the Petitioner, if found involved in any act of omission or commission calling for his prosecution.

10. **Disposed** of, along with connected CrlM.

(Shahzad Azeem)
Judge

SRINAGAR:
November 4th, 2026
"TAHIR"

HIGH COURT
JAMMU & KASHMIR AND LADAKH

Tahir Manzoor Bhat
I attest to the accuracy and
authenticity of this
document