

**HIGH COURT OF JAMMU AND KASHMIR  
AT JAMMU**

Reserved on 07.07.2021  
Pronounced on 28.07.2021

CRM(M) No. 432/2020

Gaurav Sharma

...Petitioner/Applicant(s)

Through :-

Mr. Pranav Kohli, Sr. Advocate with  
Mr. Rahul Sharma, Advocate and  
Mr. Deepak Gupta, Advocate

v/s

Union Territory of J&K

....Respondent (s)

Through :-

Mr. Aseem Sawhney, AAG

**Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE**

**JUDGMENT**

1. The present petition has been filed for quashing FIR bearing No. 68/2020 dated 23.03.2020 registered with Police Station, Satwari for commission of offence under section 188 IPC.
2. It is stated that the FIR impugned has been registered erroneously pursuant to the information submitted by the Sub Inspector of Police Station, Satwari on the misconceived premise that the warehouse of M/S Instakart Services Pvt. Ltd. was operating in violation of orders of the District Magistrate, Jammu dated 15.03.2020 and 19.03.2020. It is further averred that that a warehouse in question is exclusively used for the purpose of storing goods and merchandise. On 15.03.2020, the District Magistrate issued prohibiting operations of certain

establishments and activities to mitigate the transmission of COVID-19 pandemic. Pertinently, the said order did not restrict operation of private transport or unloading of goods in warehouses for safekeeping. Further on 19.03.2020, the District Magistrate, Jammu issued another order that all shops/markets except for groceries, fruits, vegetables, dairy products, medical shops, petrol pumps and other establishments providing for essential commodities in the jurisdiction of District Jammu shall remain closed till 31.03.2020. It is further stated in the petition that in the order dated 19.03.2020, there was no prohibition of private transportation or unloading of goods in warehouse for safekeeping. The petitioner has further stated that on 23.03.2020, a truck bearing registration No. JK 02PQ 0258 with gate pass No. 30124 carrying goods/merchandise those were to be delivered at the warehouse, entered Jammu and reached the warehouse on 23.03.2020 and as the truck was to return to its original destination, the employees at the warehouse started offloading the goods/merchandise from the truck into the warehouse and at that point of time at around 05.30 PM police officials reached the warehouse and found that offloading of goods/merchandise was taking place. The police officials did not stop the unloading but instead informed the petitioner that they will be charged for the violation of the orders dated 15.03.2020 and 19.03.2020. The petitioner explained to the Police officials that there was no violation of any government order because the warehouse was not a shop/market. The petitioner further apprised the police officials

that the warehouse was not in operation and was only opened for the limited purpose of offloading the goods/merchandise from the truck which had reached the warehouse so that such goods/merchandise could be stored for safekeeping and the truck could be released. However, the police officials proceeded to seal the warehouse.

3. On 23.03.2020 itself, the FIR was registered against the petitioner for violation of orders dated 15.03.2020 as well as 19.03.2020. It is further stated that on 24.03.2020, the Ministry of Home Affairs in its order implemented certain measures to prevent spread of Corona and as per clause 4 of the said order, commercial and private establishments were to be closed down, however, clause 4(i) of the said order, categorically excluded warehousing services from being shut. There was absolutely no bar on inter-state movement of goods and cargo or for warehouse operation. Therefore, the Central Government brought in clarity by issuing the order dated 24.03.2020. The Ministry of Home Affairs has issued an addendum to the order dated 24.03.2020 by another order dated 25.03.2020 whereby it added clause 6(b) to the order dated 24.03.2020 to allow inter-state movement of goods/cargo for inland and exports. On 29.03.2020, the Ministry of Home Affairs clarified the order dated 24.03.2020 by mentioning that transportation of all goods, without the distinction of essential/non-essential, has been allowed. Later on, the said premises was de-sealed pursuant to order dated 14.05.2020 passed by the Duty Magistrate (Munsiff) JMIC, Jammu.

4. The petitioner has questioned the FIR impugned on the following grounds:

- (i) That the allegations leveled in the FIR do not contain the ingredients of the offence of contempt of lawful authority of public servant under section 188 IPC and there is no question of actions of the petitioner resulting in obstruction, annoyance or injury as required for committing of offence under section 188 IPC.
- (ii) That because there was no prohibition on private transportation or unloading of goods/merchandise at warehouse for safekeeping in the order dated 15.03.2020 or in the order dated 19.03.2020. Moreover, the warehouse cannot be considered as a shop within the meaning of the Shops and Establishments Act and if the premises is used as a warehouse for storing goods, in which no sales are effected and no service is rendered to the customers, it cannot be considered as a shop.
- (iii) That the said orders were not applicable in the instant case as no trading activities were being conducted at the warehouse and that the orders dated 24.03.2020, 25.03.2020 and 29.03.2020 clarified that there was no prohibition by the Union Territory as well as the Central Government regarding warehouse services or on private transportation.
- (iv) That offloading of goods in the warehouse for storage and safekeeping was not prohibited by any government order.
- (v) That warehouse was opened on 23.03.2020 only for the purpose of unloading the goods/merchandise from the truck that had reached in the warehouse so that such goods/merchandise could be stored for safekeeping.
- (vi) That the police officials cannot register FIR for commission of offence under section 188 I.P.C. as section 195(1)(a) Code of Criminal Procedure (Cr.PC) makes it clear that for taking cognizance of the offence under section 188 IPC, only the concerned/authorized public servant should lodge a complaint in writing failing which no court has power to take cognizance.
- (vii) That the FIR has been registered pursuant to the complaint submitted by an officer, who was not authorized to register FIR under section 60 of the DM Act.

5. Mr. Pranav Kohli, learned senior counsel appearing for the petitioner has vehemently argued that the premises that is the subject matter of dispute is a warehouse as is evident from the receipt issued by the

Jammu Municipal Corporation and there was no prohibition in the orders regarding the warehouses. He further argued that the orders issued by the Ministry of Home Affairs exempted the warehouses and also the transportation of the goods. He strenuously argued that the police has no authority to register FIR for commission of offence under section 188 IPC on the ground that the section 195 (1) (a) Cr.P.C. bars taking of cognizance for commission of offence under section 188 IPC except on a complaint of concerned/authorized public servant. Mr. Kohli has placed reliance upon the judgments of the Supreme Court in. **Shamsul Huda Bakavi v State, 2020 SCC, Online Mad 1298, Kantamaneni vs State of Andhra Pradesh, 2020 SCC SCC Online AP 726** and the judgment of this Court, titled, **Rachpal Singh vs. State of J&K, CRMC No. 68/2013.**

6. *Per contra*, Mr. Aseem Sawhney, learned AAG appearing for the respondent has vehemently argued that the question raised by the petitioner that the premises was used as a warehouse is belied by the fact that the registration certificate placed on record by the petitioner clearly demonstrates that the premises in question has been registered under the J&K Shops and Establishment Act and the nature of the business/trade has been mentioned as 'Courier Services'. He further submitted that as to whether the truck was being unloaded in the premises in question is a disputed question of fact that cannot be considered in a petition for quashing FIR. He further argued that section 195(1)(a) Cr.P.C. comes into play only when the complaint is

filed before the court and in the instant case the FIR has been registered with regard to the cognizable offence committed by the petitioner and the stage of taking cognizance has not been reached as yet.

7. The following issues emerge for determination of this Court:

(1) Whether the police can register FIR with regard to the commission of offence under section 188 IPC in view of section 195(1)(a) Cr.P.C. ?

(2) Whether the business premises in question is a warehouse and the goods/merchandise were being unloaded for which FIR under section 188 IPC has been registered?

(3) Whether the orders issued by the District Magistrate, Jammu dated 15.03.2020 and 19.03.2020 are not applicable to the premises of the petitioner ?

(4) Whether the orders issued by the Ministry of Home Affairs on 24.03.2020, 25.03.2020 and 29.03.2020 were applicable on 23.03.2020 or not ?

8. **In issue No. 1:**

whether the police can register FIR with regard to the commission of offence under section 188 IPC in view of section 195(1)(a) Cr.P.C. ?

Section 188 IPC is reproduced as under:

“Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction,

annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both;

and if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

*Explanation.*—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.”

9. The first schedule of the Code of Criminal Procedure provides that the offence under section 188 IPC is a cognizable offence. As per the mandate of section 154 Cr.PC whenever any information with regard to the commission of a cognizable offence is received in a police station, the police has no other option but to register FIR. Otherwise it would be violation of Lalita Kumari’s judgment.(See 2014(2)SCC1).
10. Section 195 Cr.P.C. is reproduced as under:

“195. Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence.

(1) No Court shall take cognizance-

- (a) (i) of any offence punishable under sections 172 to 188 (both inclusive) of the Indian Penal Code (45 of 1860 ), or  
(ii) of any abetment of, or attempt to commit, such offence, or  
(iii) of any criminal conspiracy to commit, such offence, except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate;
- (b) (i) of any offence punishable under any of the following sections of the Indian Penal Code (45 of 1860), namely,

sections 193 to 196 (both inclusive), 199, 200, 205 to 211 (both inclusive) and 228, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court, or

(ii) of any offence described in section 463, or punishable under section 471, section 475 or section 476, of the said Code, when such offence is alleged to have been committed in respect of a document produced or given in evidence in a proceeding in any Court, or

(iii) of any criminal conspiracy to commit, or attempt to commit, or the abetment of, any offence specified in sub-clause (i) or sub-clause (ii), except on the complaint in writing of that Court, or of some other Court to which that Court is subordinate.”

11. Now, a bare perusal of the section 195 Cr.P.C. reveals that no court can take cognizance of an offence punishable under section 172 to 188 or abetment or attempt to commit to such offence or conspiracy to commit such offence except on a complaint in writing of the public servant or some other public servant to whom he is administratively subordinate. Section 2(d) Cr.P.C provides that the complaint means any allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some persons, whether known or unknown has committed an offence but does not include police report. Thus, the police report does not amount to complaint except where the police officer after investigation makes a report about the commission of non cognizable offence. So far as instant case is concerned, it is not the case of the petitioner that the police has filed a complaint before the Magistrate as the matter is still under investigation. Section 195 Cr.P.C. clearly bars taking of the cognizance



by the Magistrate but does not bar the investigation by the police officer.

12. The Apex Court has also considered an almost identical issue in **State of Punjab vs Raj Singh and another, (1998) 2 SCC 391** with regard to the registration of FIR for commission of offences under section 467 and 468 I.P.C in the course of proceedings of a civil suit and also bar contained in section 195(1)(b)(ii) Cr.P.C. It has held as under:

“We are unable to sustain the impugned order of the High Court quashing the F.I.R. lodged against the respondents alleging commission of offences under Sections 467 and 468 I.P.C. by them in course of the proceeding of a civil suit, on the ground that Section 195 (1) (b) (ii) Cr.P.C. prohibited entertainment of and investigation into the same by the police. From a plain reading of Section 195 Cr.P.C. it is manifest that it comes into operation at the stage when the Court intends to take cognizance of an offence under Section 190(1) Cr. P.C.; and it has nothing to do with the statutory power of the police to investigate into an F.I.R. which discloses a cognisable offence, in accordance with Chapter XII of the Code even if the offence is alleged to have been committed in, or in relation to, any proceeding in Court. In other words, the statutory power of the Police to investigate under the Code is not in any way controlled or circumscribed by Section 195 Cr.P.C. It is of course true that upon the charge-sheet (challan), if any, filed on completion of the investigation into such an offence the Court would not be competent to take cognizance thereof in view of the embargo of Section 195(1) (b) Cr. P. C. , but nothing therein deters the Court from filing a complaint for the offence on the basis of the F.I.R. (filed by the aggrieved private party) and the materials collected during investigation, provided it forms the requisite opinion and follows the procedure laid down in section 340 Cr. P.C. The judgment of this Court in Gopal Krishna Menon and Anr. Vs. D. Raja Reddy [AIR 1983 SC 1053], on which the High Court relied, has no manner of application to the facts of the instant case for there cognizance was taken on a private complaint even though the offence of forgery was committed in respect of a money receipt produced in the Civil Court and hence it

was held that the Court could not take cognizance on such a complaint in view of Section 195 Cr. P. C.”

13. The said judgment was affirmed by the Apex Court subsequently in a judgment in **M. Narayandas vs. State of Karnataka and others, (2003) 11 SCC251. Relevant portion is reproduced as under:**

“Not only are we bound by this judgment but we are also in complete agreement with the same. Sections 195 and 340 does not control or circumscribe the power of the police to investigate under the Criminal Procedure Code. Once investigation is completed then the embargo in Section 195 would come into play and the Court would not be competent to take cognizance. However, that Court could then file a complaint for the offence on the basis of the FIR and the material collected during investigation provided that procedure laid down in Section 340 Criminal Procedure Code is followed. Thus no right of the Respondents, much less the right to file an appeal under Section 341, is affected.”

14. Thus, bar as prescribed by section 195 Cr.P.C is only with regard to taking of cognizance and it does not restrict the statutory power of Police to register FIR and investigate the same. The public servant whose order is violated or his superior officer may file a complaint on the basis of FIR and material collected during the course of investigation by the Police in the event Investigating Officer approaches the said officer for filing complaint. In the aforesaid judgments relied upon by Mr. Kohli, the said issue has not been considered, as such, the same are not applicable in the instant case, so this Court is of the considered opinion that bar contained under section 195(1)(a) Cr.P.C. for taking cognizance of offence complained of, does not affect the power of the court to register FIR.

15. **Issue No. 2:**

Whether the business premises in question is a warehouse and the goods/merchandise were being unloaded for which FIR under section 188 IPC has been registered?

A perusal of the FIR reveals that during the course of checking at about 1730 hours one business premises was found running in violation of District Magistrate, Jammu orders dated 15.03.2020 and 19.03.2020 and further during investigation it was found that one shop was found open. There is no allegation in the FIR that the truck was being unloaded in the premises. The contention of the petitioner that the premises was a warehouse and no business activity was being undertaken is belied by the registration certificate placed on record by the petitioner only in which it is categorically mentioned that nature of business/trade is 'Courier Services'. The receipt dated 22.03.2019 does not establish that the same was issued with regard to the premises in question located at Ranibagh rather in the said receipt the place has been mentioned as warehouse, which is the place other than the Ranibagh Satwari, Jammu and is located quite far away Ranibagh, Jammu. The contention raised by the petitioner amounts to his defence based upon the factual aspects and this Court cannot conduct a roving enquiry in order to find out the genuineness of the defence of the petitioner so this contention too deserves to be rejected.

16. **Issue No. 3:**

Whether the orders issued by the District Magistrate, Jammu dated 15.03.2020 and 19.03.2020 are not applicable to the premises of the petitioner?

The relevant portion of order dated 15.03.2020 is reproduced as under:

- (a) No Langers/Bhandaras, Dhabas, Bars, Restaurants, Food Courts, Food Stalls, Road Side Eateries etc, shall operate in District Jammu, till 31<sup>st</sup> March, 2020.
- (b) No Massage Centres/Spa/Sauna etc, shall operate in District Jammu, till 31<sup>st</sup> March, 2020.
- (c) No Social, religious or ritualistic events shall be held at any public/community/religious place, involving a gathering of more than 4 people, till 31<sup>st</sup> March, 2020, in District Jammu.
- (d) No Conferences, Events, Rallies, Dharnas, Protests etc, shall be organized within the territorial limits of District Jammu till, 31<sup>st</sup> March, 2020.
- (e) The Transport Commissioner, J&K, shall ensure that public and private transport operating in the District shall be sanitized with the prescribed disinfectants and at such regular intervals as prescribed by Ministry of Health and Family welfare, GoI (refer website of MoHFW). Accordingly, he shall ensure and organize necessary briefings and sensitization of the drivers and cleaners, through his staff.
- (f) Commissioner, Jammu Municipal Corporation, Jammu, shall ensure that public places particularly the Bus/Taxi/Auto Stands, Sabzi Mandis, Railway Stations, Market Areas etc, in the District shall be sanitized with the prescribed disinfectant and at such regular intervals as prescribed by Ministry of Health and Family Welfare, GoI. Accordingly, she shall ensure and organize necessary briefings and sansitisation of her staff.
- (g) -----
- (h) -----
- (i) -----
- (j) However, there shall be no restriction on the movement of the people to buy their daily groceries and household articles. The wholesalers, Fruit and Sabzi Mandies may also remain open and functional to ensure provisioning of essential supplies.
- (k) -----“

17. Further, order dated 19.03.2020 that was issued in continuation of order dated 15.03.2020 is reproduced as under:

“In continuation to this office order No. DCJ/PS/2019-20/1002-1011 dated 15/03/2020, it is hereby ordered that all shops/markets except for Groceries, Fruits, Vegetables, Dairy products, Medical Shops, Petrol Pumps and other establishments providing for essential commodities, in the jurisdiction of District Jammu shall remain closed till 31<sup>st</sup> March, 2020. Any violation of this order will invite punitive action relevant provision of law.”

18. Thus, from the perusal of both the aforesaid orders reveals that all shops/markets except for groceries, fruits, vegetables, dairy products, medical shops, petrol pumps and other establishments were ordered to be closed till 31.03.2020 so the premises of the petitioner that was involved in the business of ‘Courier Services’ also fell within the purview of the restrictions imposed by the District Magistrate vide orders mentioned above.

19. **Issue No. 4:**

whether the orders issued by the Ministry of Home Affairs on 24.03.2020, 25.03.2020 and 29.03.2020 were applicable on 23.03.2020 or not?

A perusal of order of the Ministry of Home Affairs dated 24.03.2020 reveals that the containment measures as contained in the said order were ordered to be remain in force in all parts of the country for a period of 21 days with effect from 25.03.2020 and the relevant portion of the order is reproduced as under:

“18. The above containment measures will remain in force, in all parts of the country, for a period of 21 days with effect from 25.03.2020.”

20. Further the District Magistrate, Jammu vide order dated 24.03.2020 issued fresh order to be operative with effect from 25.03.2020 till 14.04.2020 and provided for various restrictions as contained in the said order. The Ministry of Home Affairs vide order dated 29.03.2020 issued clarification to its earlier order dated 24.03.2020, addendum dated 25.03.2020 and relevant clarification is as under:

“a. With the issue of 1<sup>st</sup> addendum, transportation of all goods, without distinction of essential and non-essential, have been allowed.

21. The order issued by the Ministry of Home Affairs was made applicable from 25.03.2020 and also the District Magistrate vide order dated 24.03.2020 provided for restrictions with effect from 25.03.2020 till 14.04.2020. Even in the clarification that was issued by the Ministry of Home Affairs dated 29.03.2020 was with regard to the order issued by the Ministry of Home Affairs on 24.03.2020 and 25.03.2020. On 23.03.2020 when the FIR was registered there was no order issued by the Ministry of Home Affairs and the order that prohibited the opening of the shops etc. was issued by the District Magistrate, Jammu on 19.03.2020 that was issued in continuation to order dated 15.03.2020, so there is no force in the contention of the petitioner and the same too is rejected.

22. Otherwise also, the investigation is still is at initial stage and that was stayed by the court and investigation is yet to be completed. It is

settled law that when the investigation is still at initial stage, the courts should not hasten to interdict the investigation. Reliance is placed upon the decision of Apex Court in *Neeharika Infrastructure Pvt. Ltd Vs State of Maharashtra & Ors reported in 2021SCC OnLine 315*, in which it has been held as under:

- i) Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into a cognizable offence;
- ii) Courts would not thwart any investigation into the cognizable offences;
- iii) It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on;
- iv) The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the 'rarest of rare cases (not to be confused with the formation in the context of death penalty).
- v) While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;
- vi) Criminal proceedings ought not to be scuttled at the initial stage;
- vii) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;
- viii) Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere;
- ix) The functions of the judiciary and the police are complementary, not overlapping;
- x) Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;
- xi) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;

xii) The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;

xiii) The power under Section 482 Cr.P.C. is very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the court;

xiv) However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in the cases of R.P. Kapur (supra) and Bhajan Lal (supra), has the jurisdiction to quash the FIR/complaint;

xv) When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482 Cr.P.C., only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR;

xvi) The aforesaid parameters would be applicable and/or the aforesaid aspects are required to be considered by the High Court while passing an interim order in a quashing petition in exercise of powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India. However, an interim order of stay of investigation during the pendency of the quashing petition can be passed with circumspection. Such an interim order should not require to be passed routinely, casually and/or mechanically. Normally, when the investigation is in progress and the facts are hazy and the entire evidence/material is not before the High Court, the High Court should restrain itself from passing the interim order of not to arrest or “no coercive steps to be adopted” and the accused should be relegated to apply for anticipatory bail under Section



438 Cr.P.C. before the competent court. The High Court shall not and as such is not justified in passing the order of not to arrest and/or “no coercive steps” either during the investigation or till the investigation is completed and/or till the final report/chargesheet is filed under Section 173 Cr.P.C., while dismissing/disposing of the quashing petition under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India.

xvii) Even in a case where the High Court is prima facie of the opinion that an exceptional case is made out for grant of interim stay of further investigation, after considering the broad parameters while exercising the powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India referred to hereinabove, the High Court has to give brief reasons why such an interim order is warranted and/or is required to be passed so that it can demonstrate the application of mind by the Court and the higher forum can consider what was weighed with the High Court while passing such an interim order.

xviii) Whenever an interim order is passed by the High Court of “no coercive steps to be adopted” within the aforesaid parameters, the High Court must clarify what does it mean by “no coercive steps to be adopted” as the term “no coercive steps to be adopted” can be said to be too vague and/or broad which can be misunderstood and/or misapplied.

23. In view of all what has been discussed above, this petition is found to be devoid of any merit, as such, the same is dismissed. Any observation made by this court has been on the basis of material placed on record at this stage only and shall not prejudice the right of the petitioner to raise the issues raised in the present petition before Investigating Officer concerned.

**(RAJNESH OSWAL)**  
**JUDGE**

JAMMU  
28.07.2021  
Rakesh

Whether the order is speaking:	Yes
Whether the order is reportable:	Yes