

HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR

WP(C) No. 1366/2021
CM No. 4665/2021

Iftikhar Rasheed.

.....Petitioner(s)

Through: Mr Hussain Rashid, Advocate.

vs

Union Territory of JK & Ors.

.....Respondent(s)

Through: Mr B.A. Dar, Sr AAG.

CORAM:

Hon'ble Mr Justice Ali Mohammad Magrey, Judge.

ORDER

15.07.2021

Petitioner a journalist by profession, alleges harassment and threat from the police authorities i.e. Respondents 6 to 8. The petitioner on affidavit has stated all the facts, which led to the harassment of the petitioner, not only to him but to his family as well.

In Paragraph 2 of the writ petition, it is stated that the petitioner is a journalist by profession having good reputation and respect in the area and is having some issues regarding money transaction with few persons including police personnel's namely Gh. Mohammad nick name Junaid (SPO), Haroon Rashid (SPO) and Mohammad Iqbal Wani (owner of jewellery shop), arisen few months before and at the behest of the aforesaid persons is being harassed by the police without any reasons and legal justification. In Paragraph 3 of the writ petition is stated that above named persons being influential persons, have made the life of the petitioner and his family miserable by raiding the house of the petitioner and calling again and again in the police stations and forcing him to make payments towards the above-named persons, which

violates the right to liberty as guaranteed under Article 21 of the Constitution.

It is further submitted that the petitioner has not committed any crime, which would warrant action in terms of the law.

When asked, learned appearing counsel for the petitioner submits that petitioner would have not directly approached this Court had there been constituted police complaint authority at the district level which would have dealt with the complaint against the officers of and up to the rank of Deputy Superintendent of Police and State Authority to look into the complaints against officers of the rank of Superintendent of police and above, as directed by the Hon'ble Supreme Court in case title Prakash Singh v. Union of India, reported in (2006) 8 SCC 1, decided on 22nd of September, 2006, wherein, it has been held as under;

“Police Complaints Authority:

(6) There shall be a Police Complaints Authority at the district level to look into complaints against police officers of and up to the rank of Deputy Superintendent of Police. Similarly, there should be another Police Complaints Authority at the State level to look into complaints against officers of the rank of Superintendent of Police and above. The district level Authority may be headed by a retired District Judge while the State level Authority may be headed by a retired Judge of the High Court/Supreme Court. The head of the State level Complaints Authority shall be chosen by the State Government out of a panel of names proposed by the Chief Justice; the head of the district level Complaints Authority may also be chosen out of a panel of names proposed by the Chief Justice or a Judge of the High Court nominated by him. These Authorities may be assisted by three to five members depending upon the volume of complaints in different States/districts, and they shall be selected by the State Government from a panel prepared by the State Human Rights Commission/Lok Ayukta/State Public Service Commission. The panel may include members from amongst retired civil servants, police officers or officers from any other department, or from the civil society. They would work whole time for the Authority and would have to be suitably remunerated for the services rendered by them. The Authority may also need the services of regular staff to conduct field inquiries. For this purpose, they may utilize the services of retired investigators from the CID, Intelligence, Vigilance or any other organization. The State level Complaints Authority would take cognizance of only allegations of serious misconduct by the police personnel, which would include incidents involving death, grievous hurt or rape in police custody. The district level Complaints Authority would, apart from above cases, may also inquire into allegations of extortion, land/house grabbing or any incident involving serious abuse of authority. The recommendations of the Complaints Authority, both at the district and State

levels, for any action, departmental or criminal, against a delinquent police officer shall be binding on the concerned authority.”

Citizen of this Country has come before this Court with serious complaint against the police officers, who are stated to be involved in harassment and threatening to the petitioner and his family without any reason, logic or justification. The petitioner states to be a journalist is on affidavit alleging harassment at the hands of police. The petitioner also on affidavit stated that money transaction between the said officer has become the subject of harassment and raiding his residence by these police officers. No one case just take such a step of approaching this Court on the basis of incorrect threats/allegations, therefore, the Court prima facie believing the petitioner, is inclined to show indulgence in the matters.

Notice in the main petition as well as in connected CM.

Mr B.A. Dar, learned Sr AAG waives notice on behalf of respondents.
Response by or before next date of hearing.

List on 23rd of July, 2021.

Meanwhile, there shall be no harassment to the petitioner and his family and in the event any matter needs action, same shall be done in accordance with the law.

Copy of this order be provided to Mr B.A. Dar, learned Sr AAG under the seal and signature of Bench Secretary.

(Ali Mohammad Magrey)
Judge

SRINAGAR:
15.07.2021
“Hamid”