

**IN THE COURT OF JUDICIAL MAGISTRATE 1ST CLASS /CITY JUDGE
JAMMU**

PRESENT: PREM SAGAR

1. Sachin Sharma S/o Sh. Kharati Lal R/o Kathua
2. Neeraj Sharma S/o Sh. Manohar Lal R/o Village Mongtian Tehsil Marheen, District Kathua.
3. Sahil Sharma S/o Sh. Manohar Lal R/o Village Rajpura Tehsil Rajpura District Samba

.....Applicants

V/S

1. R K Jalla (Ex-S.S.P. Crime Branch, Jammu)
2. Peerzada Naveed (Addl Supretinent of Police Crime Branch, Jammu)
3. Shetambari Sharma (Dy. S.P. Crime Branch Jammu)
4. Nassir Hussain (Dy. S.P. Crime Branch Jammu)
5. Urfan Wani (Sub Inspector Crime Branch Jammu)
6. Kewal Kishore (Crime Branch)

.....Non-applicant

IN THE MATTR OF:- Application under section 156(3) Cr.P.C.

Applicants along with Ld. Counsel Mr. Ankur Sharma present. *By Mr. Tanu Sharma present.*

22.10.2019

ORDER

Petition is received by way of transfer from the Court of Ld. Chief Judicial Magistrate, Jammu, be entered in the concerred register. Brief facts of the complaint are that the applicant had filed a complaint before SHO Pacca Danga Jammu on 24-09-2019 seeking registration of FIR U/s 194 RPC and other relevant provisions of law against all the non-applicants who were members of SIT investigating the case under FIR No. 10 of 2018 dated 12-01-2018 registered under section 363/343/367-D/302/201 and 120-B RPC at Police Station Hira Nagar Kathua. The applicants had sought the registration of FIR against the above named non-applicants on the ground that the above named applicants were being forced/tortured/coerced by all the non-applicants mentioned above to depose and create false evidence against accused Vishal Jangotra in the FIR No. 10 of 2018 During the course of investigation in the above mentioned FIR, the applicants were produced by the SIT before the concerned Magistrate to depose Under Section 164-A Cr.P.C. wherein, the applicants named above have deposed the atrocities and torture inflicted upon them by the non-applicants to create false evidence against one Mr. Vishal Jangotra. Vishal Jangotra who was falsely implicated in the above mentioned FIR at the behest of non-applicants for the reasons best known to them, already, stands acquitted by the Ld. trial Court Pathankot and has been exonerated from all the charges levied against him. This further concretizes that the applicants were deliberately tortured and compelled to depose false statements against Vishal Jangotra thus depicting the malafide on part of the non-applicants, whereby, false evidence was created in pursuant to the very well hatched conspiracy by the non-applicants. Aggrieved of the inaction on part of SHO

Pacca Danga, the applicants approached the S.S.P. Jammu through Registered Post dated 05-10-2019 for the registration of the FIR against the above named Non-applicants but till date nothing substantial has been done by any of the authorities, hence the application

Considered the arguments of Ld. Counsel for the applicant and the orders of Hon'ble Supreme Court and Hon'ble High Court of Jammu and Kashmir. As per the affidavit of Ld. Counsel for applicants, no proceedings are pending disposal in Hon'ble Apex Court with regard to case in question. From the gist of the complaint, cognizable offences are made out against the non-applicants herein. Therefore, application of the applicants U/S 156(3) Cr.P.C. is allowed with the direction to Ld. SSPJammu to register FIR against the non-applicants under relevant provisions of law and report compliance by next date of hearing on 07-11-2019

ANNOUNCED
22-10-2019

Sd/-
CITY JUDGE/JMIC
JAMMU

Copy of this order is forwarded to Ld. Senior Superintendent of Police, Jammu for compliance.

hoye
City Judge
Police Magistrate 1st. Class
JAMMU