

Nanak Chand And Others vs Ut Of J&K And Another on 6 October, 2022

Author: Rahul Bharti

Bench: Rahul Bharti

157

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 786/2022
Crl M No. 1632/2022

Nanak Chand and others

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

Through: Mr. Rohan Nanda, Advocate

Vs

UT of J&K and another

.....Respondent(s)

Through:

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER

06.10.2022 The respondent no. 2 herein is the daughter-in-law of the petitioner no. 1. The petitioner nos. 2 & 3 are the sons of petitioner no. 1. Registration of impugned FIR no. 0208/2022 dated 06.09.2022 with the Police Station Nowshera at the instance of respondent no. 2 naming the petitioners as accused for commission of offences under section 457/382/354/427/323 & 506 of the Indian Penal Code, 1860 is in the backdrop of property related feud and failure of relationship between the petitioner no.1 and his son - Anil Kumar, who is the husband of the respondent no. 2.

This petition is accompanied with the documents which reflect that the bone of contention between the petitioner no. 1 and his son-Anil Kumar pertains to the matter of inheritance for which the husband of the respondent no. 2 had got registered a general power of attorney as well as the will from the petitioner no. 1 who later on came to revoke the said power of attorney as well a Will by virtue of duly executed documents and further going to the extent of executing a deed of disinheritance dated 06.09.2018 against the husband of the petitioner no. 2 and also the respondent no.2 as well. The respondent no. 2 seems to have resorted to a complaint under Protection of Women from Domestic Violence Act, 2010 against the petitioners herein on one hand and whereas her husband -Anil Kumar has filed a civil suit against the petitioners herein which is pending before the court of the learned Sub Judge, Nowshera and the suit is for declaration and permanent prohibitory injunction with respect to the deed of disinheritance qua the said property as mentioned in the suit.

Considering the aforesaid background, the bonafide of the FIR got registered by the respondent no. 2 against the petitioner no.1 who is an aged person of 85 years age is suspect.

Prima facie, case is made out.

Issue notice to the respondents, returnable within a period of six weeks.

In the meantime, operation of FIR no. 0208/2022 dated 06.09.2022 with Police Station Nowshera shall remain stayed.

The petitioners shall furnish the registered postal covers for service of the respondent within a period of seven days.

List this case on 07.12.2022.

(Rahul Bharti) Judge Jammu 06.10.2022 Muneesh