

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

Uploaded on: 22.09.2026

HCP No. 61/2023

Shabeena Kouser
th.Tassadaq Hussain

...Petitioner /Appellant(s)

Through: - None

Vs.

UT of J&K and others **...Respondent(s)**

Through: - Mr. Bhanu Jasrotia, GA

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
17.09.2026

1. Through the medium of the present petition filed by one Tassadaq Hussain S/o Khushi Mohd., resident of Village Pattrara, Panjgrain, Manjakote, Rajouri, on behalf of a pseudo person, namely, Shabeena Kouser, claiming to be his daughter, the petitioner has sought directions upon the Police authorities to produce his afore-named daughter before this Court, as, according to him, she is in the wrongful confinement of respondent No. 3, SHO, Police Station, Rajouri.
2. In the petition, it was alleged by Tassadaq Hussain that respondent No. 5, during the intervening night of 07.05.2022 and 08.05.2022, at around 1:00 A.M., along with 13 persons, trespassed into his agricultural land and forcibly took away the crops. Regarding this incident, the petitioner, Tassadaq Hussain, filed an application before

the SHO, Police Station, Rajouri, against the accused persons, including respondent No. 5. It was alleged in the petition that, when the police did not take any action, he filed an application under Section 156(3) Cr. P.C. before the District Mobile Magistrate, Rajouri, and vide order dated 26.05.2022, the Police was directed to take action in the matter. Thereafter, respondent No. 3 registered an FIR against respondent No. 5 and 13 other persons for offences under Sections 447, 379, 336, 34, 504 and 506 of the IPC.

3. According to the petitioner, civil litigation was pending between Tassadaq Hussain and respondent No. 5 before the court of learned Sub Judge (Special Mobile Magistrate), Rajouri, and, in order to wreak vengeance and put pressure upon Tassadaq Hussain, respondent No. 5 got FIR dated 18.06.2023 registered, alleging therein that his five goats had been taken away.
4. It was alleged in the petition that, before registration of the said FIR, respondent No. 4 visited house of Tassadaq Hussain on 01.06.2023 and 02.06.2023, whereas respondent No. 6 visited his house on 17.06.2023 and respondent Nos. 9 and 10 visited his house on 21.06.2023. It was further alleged that a team of police officials visited his house at around 12:00 noon and started harassing the minor daughter of Tassadaq Hussain, namely, Shabeena Kouser, when there was no one present in the house on the said date.
5. It was further alleged that, on 21.06.2023, lady police officials, along with respondent No. 5 and Mohd. Kafir, Mohd. Faizal, Imtiyaz Zayed and Haniefza Zayed, entered the house of Tassadaq Hussain and they

took away his daughter, Shabeena Kouser, to an unknown destination. Upon enquiry from the Police Station, they allegedly refused to give any response. It was further stated that, on 22.06.2023, an application was filed by Tassadaq Hussain before respondent No. 2, requesting for search and production of his daughter, but nothing was done in this regard. On the basis of these allegations, Sh. Tassadaq Hussain filed the present petition on behalf of his so-called minor daughter, Shabeena Kouser, and sought directions upon the respondent-police authorities to produce her before the Court from wrongful confinement.

6. On 04.10.2023, a direction was passed by this Court to the police authorities, i.e., respondent Nos. 1 to 3, to file counter-affidavit, and the presence of the SHO, Police Station, Rajouri, was sought in terms of order dated 16.11.2023. On 18.11.2023, the SHO, Police Station, Rajouri, appeared before this Court, and petitioner, Tassadaq Hussain, was called upon by the Court to produce any document pertaining to the identification of Shabeena Kouser, including her photograph, before the SHO, Police Station, Rajouri, for the purpose of her identification.
7. Status report dated 15.11.2023 came to be filed by the SHO, Police Station, Rajouri, wherein it was stated that none of the police officials of Police Station, Rajouri, had ever visited the residence of Tassadaq Hussain on 01.06.2023, 02.06.2023 or 17.06.2023. It was submitted that, on 21.06.2023, the Investigating Officer had visited the residence of Tassadaq Hussain in connection with the investigation of FIR No. 286 of 2023. It was specifically denied that the police officials had forcibly taken away Shabeena Kouser, the alleged daughter of Tassadaq

Hussain. It was mentioned in the status report that there was no record of Shabeena Kouser being the daughter of Tassadaq Hussain, and this fact was confirmed by the village Lambardar.

8. In terms of order dated 06.02.2024, it was noted by the Court that Tassadaq Hussain had failed to provide any document or photograph with regard to the identification of Shabeena Kouser to the concerned SHO. On 14.03.2024, it was noted by the Court that the requisite documents had been provided to the SHO, Police Station, Rajouri, and the Investigating Officer, alongwith the Case Diary, was directed to remain present before the Court. Learned Government Advocate, upon instructions reported, to the Court that Tassadaq Hussain had no daughter by the name of Shabeena Kouser and that this fact had been verified by the Police.
9. Taking serious cognizance of this aspect, this Court, vide order dated 15.05.2024, directed Mohd. Hanief, Head Constable, Police Station, Rajouri, who was present in the Court, to produce Tassadaq Hussain before the Court on the next date of hearing for ascertaining the factual position. On the next date, it was reported that Tassadaq Hussain had refused to accompany the police official to the Court. On 07.06.2024, Tassadaq Hussain was produced by the police before the Court. On 03.10.2024, Tassadaq Hussain, along with his wife, Akhter Jan, appeared in person before the Court. It was reported by the Police that a detailed inquiry had been conducted and that the outcome thereof would be placed before the Court.

10. Status report dated 11.10.2024 with regard to the inquiry was placed before this Court. It was stated in the said inquiry report that Tassadaq Hussain had provided certain documents with regard to the identity of Shabeena Kouser. It was reported that the Block Medical Officer, Manjakote, had confirmed that the immunization card in the name of Shabeena Kouser was incorrect. Even the DDC Member, Doongi, confirmed that he had no knowledge of Shabeena Kouser being the daughter of Tassadaq Hussain. The same was reiterated by the Chowkidar and Sarpanch, Panchayat Panjgrain.
11. A fresh inquiry was directed to be conducted by the SHO, Police Station, Rajouri. Accordingly, a fresh inquiry was conducted, and the inquiry report dated 02.01.2025 was submitted. It was reported that Tassadaq Hussain had only five daughters and one son and that he had no daughter by the name of Shabeena Kouser.
12. Under the directions of this Court, the Chief Judicial Magistrate, Rajouri, conducted an inquiry into the matter. The learned Chief Judicial Magistrate, Rajouri, vide his inquiry report dated 28.05.2025, concluded that there was no daughter of Tassadaq Hussain by the name of Shabeena Kouser and that he had created a fictitious character/non-existent entity to harass the respondents and to satisfy his ego and frustration.
13. The petitioner, Tassadaq Hussain, was given an opportunity to file his objections to the inquiry report of the Chief Judicial Magistrate, Rajouri, but, after submission of the inquiry report, Tassadaq Hussain, as well as his counsel, stopped appearing in the case. However,

subsequently, objections came to be filed by Tassadaq Hussain on 14.08.2025. In his objections, he sought to discredit the statements of the witnesses recorded by the Chief Judicial Magistrate, Rajouri, during the course of his inquiry.

14. On 11.12.2025, this Court observed that the report of the Chief Judicial Magistrate, Rajouri, did not support the allegations of Tassadaq Hussain with respect to the alleged wrongful confinement of Shabeena Kouser. A counter-verification was sought from the Deputy Commissioner, Rajouri, to ascertain whether any Aadhaar Card or any other document had been issued in the name of Shabeena Kouser.
15. The petitioner, Tassadaq Hussain, filed an affidavit on 11.12.2025. The contents thereof did not bear any reference to the controversy regarding the existence or otherwise of Shabeena Kouser. Thereafter, the petitioner, Tassadaq Hussain, stopped appearing in the case, and on 09.04.2026, this Court, while drawing an adverse inference against Tassadaq Hussain, dismissed the writ petition. However, the proceedings were kept alive for the purpose of initiating appropriate legal proceedings against Tassadaq Hussain for having resorted to perjury.
16. It is in the aforesaid circumstances that the matter has been listed today before this Court.
17. As is clear from the sequence of events, particularly the report of the inquiry conducted by the learned Chief Judicial Magistrate, Rajouri, petitioner, Tassadaq Hussain, furnished false information not only before the police authorities but also before this Court. The writ petition

is supported by a duly sworn affidavit of the petitioner, wherein he has declared that the contents of the writ petition are true and correct to the best of his personal knowledge. During the pendency of these proceedings, the petitioner repeatedly filed several affidavits, based on his personnel information. Thus, petitioner, Tassadaq Hussain, not only misled the police authorities but he had the audacity to mislead the highest constitutional Court of the Union Territory of J&K and Ladakh by engaging the Court in these frivolous proceedings for more than three years, thereby wasting the precious judicial time of this Court. Such elements need to be taught a lesson so that similar acts are not repeated in future.

18. The acts committed by the petitioner, Tassadaq Hussain, attract the penal provisions contained in Sections 216 and 217 of the BNS, as also those contained in Sections 227, 229, 233, 236 and 237 of the BNS, and, as such, he deserves to be prosecuted in accordance with law.
19. Section 215 of the BNSS provides the procedure for prosecuting a person for commission of offences punishable under Sections 229 to 233, 236, 237, 242 to 248 and 267 of the BNS, when such offences are alleged to have been committed in, or in relation to, any proceeding in any Court. It provides that, except on a complaint in writing made by the Court or by such officer of the Court as the Court may authorize in writing in this behalf, the Court cannot take cognizance of the aforesaid offences if the same are committed in relation to proceedings before a Court.

20. In view of the aforesaid legal position, a direction is issued for filing a complaint against Sh. Tassadaq Hussain before the Chief Judicial Magistrate, Jammu. The Registrar Judicial, Jammu, is authorized to file the complaint against Sh. Tassadaq Hussain before the said Court on behalf of this Court. The learned Registrar Judicial shall also annex with the complaint the relevant documents, after retaining photocopies thereof.
21. The proceedings in the present petition are accordingly closed.

(SANJAY DHAR)
JUDGE

Jammu:
17.09.2026
Karam Chand

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No

