

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

Case:- CRM(M) No. 988/2026
CrIM No. 1812/2026

Shazia Kouser & Anr.

.....Petitioners

Through :- Mr. Irfan Khan, Advocate

v/s

UT of J&K & Ors.

.....Respondents

Through :-

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
14.09.2026

1. Heard Mr. Irfan Khan, learned counsel for the petitioners.
2. Whether the Police Station, Manjakote ought to have exercised circumspection and restraint in the matter of registering an **FIR No. 0072** dated **18.08.2026** at the instance of the respondent No. 3- Guftar Ahmed for alleged commission of offences under sections **126(2), 88, 351(2), 352, 3(5)** of the Bharatiya Nyaya Sanhita (BNS), 2023 is a question which gets posed through the medium of the present petition filed by two petitioners thereby invoking inherent powers of this Court under section 528 of the Bharatiya Nyaya Sanita (BNS), 2023 seeking quashment of said FIR.

3. The petitioner No. 1 is wife of the respondent No. 3.
4. The respondent No. 3 has ventured to lodge the FIR by visiting the Police Station, Manjakote on **18.08.2026** itself and getting the **FIR No. 0072/2026** registered on the same very date meaning thereby there was no intervening time availed by the SHO Police Station, Manjakote to examine the nature of the allegations and accusations being made by the respondent No. 3 from his end alleging that his wife i.e., the petitioner No. 1 has terminated 4-5 months of pregnancy, which was conceived from him, without his consent and, thus, indulged in the alleged commission of offences, in particular offence under sections 88 of the Bharatiya Nyaya Sanhita (BNS), 2023.
5. The petitioner No. 2 who is a sister of the petitioner No. 1 has been arrayed as an abettor.
6. The tone and tenor of the contents of the FIR on the face of it do not inspire confidence about the narrative being set up by the respondent No. 3 against the petitioner No. 1.
7. Learned counsel for the petitioners draws the attention of this Court to the judgment of the Hon'ble Supreme Court of India in the cases titled "**Neethu A.M. Vs State of Kerala**" and "**A (Mother of X) Vs State of Maharashtra & Anr.**".
8. *Prima facie* case made out.

9. Issue notice to the respondents in the main petition as well as in **CrIM No. 1812/2026**.

10. Ms. Nazia Fazal, Assisting Counsel to Mr. Bhanu Jasrotia, learned Government Advocate accepts notice on behalf of the respondent Nos. 1 & 2.

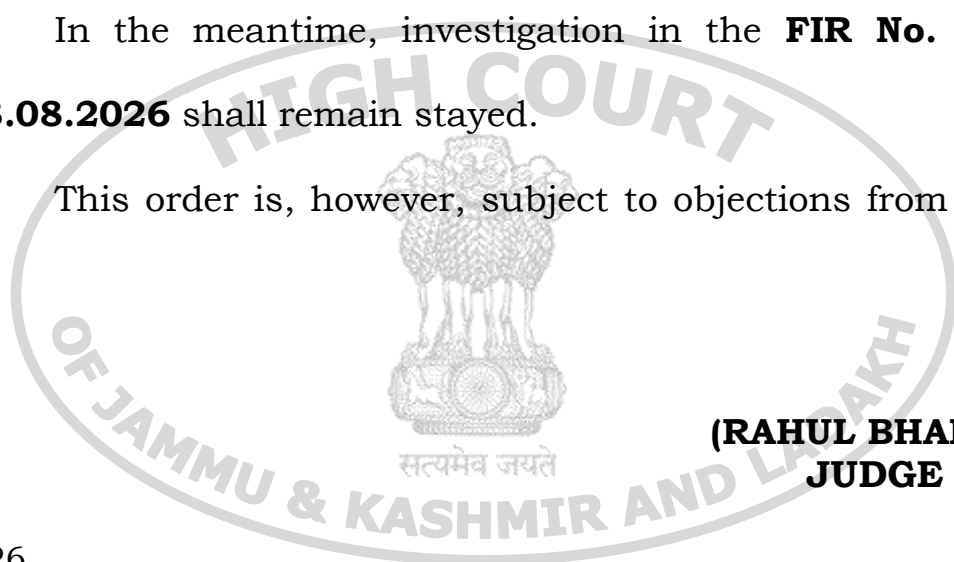
11. Notice shall now go to the respondent No. 3 only who shall be served through the SHO Police Station, Manjakote for which notice be sent by the Registrar Judicial, Jammu for the needful purpose. Process upon service be returned by or before next date of hearing.

12. List on **23.10.2026**.

13. In the meantime, investigation in the **FIR No. 0072** dated **18.08.2026** shall remain stayed.

14. This order is, however, subject to objections from other side.

JAMMU
14.09.2026
Sneha



(RAHUL BHARTI)
JUDGE