

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

[Through Virtual Mode]

CRM (M) No. 25/2026

Reserved On: 1st of June, 2026.

Pronounced On: 29th of June, 2026.

Uploaded On: 29th of June, 2026.

Whether the operative part or
full Judgment is pronounced: **Full.**

1. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

At present Delhi.

2. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Delhi-110059.

... Petitioner(s)

Through: -

Mr Kunal Saini, Advocate.

[Through Virtual Mode.]

V/s

1. **Union Territory of Jammu & Kashmir,**
Through Incharge/ SHO Police Station,
Panzalla, District Baramulla, Kashmir

2. Ab. Aziz Khan
Son of Mohd. Ramzan Khan
R/O Balhama, Naribal, Rohama,
Baramulla, J&K-193301

3. Government of NCT, Delhi
Through its Commissioner of Police,
Police Headquarters, Jai Singh Road,
New Delhi-110002.

4. The Deputy Commissioner of Police,
South-West District, Vasant Vihar,
New Delhi-110057.

5. The SHO
Police Station 40 ft Road, Block C
Sitapuri Part 2, Bindapur, Uttam Vihar
Dwarka District, New Delhi 110059.

... Respondents

Through: -

Mr Hakim Aman Ali, Dy. AG; and
Mr R. A. Khan, Advocate.

CORAM: HON'BLE MR JUSTICE M. A. CHOWDHARY, JUDGE.

(JUDGMENT)

01. The Petitioners, through the medium of the present Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [BNSS], invoking inherent jurisdiction of this Court, seek quashing of FIR No. 0031 of 2025 dated 25th of May, 2025 registered with Police Station, Panzalla for the commission of offences punishable under Sections 87 and 49 of the Bharatiya Nyaya Sanhita, 2023 [BNS] (Section 366 IPC and 109 IPC) with respect to abduction/ kidnapping of Petitioner No.1/ abductee and, in reference whereof, the Petitioner No.2 is also being subjected to harassment and criminal proceedings by the Police authorities, along with proceedings/ investigation being conducted against Petitioner No.2 in the impugned FIR No. 0031 of 2025 dated 25th of May, 2025. The Petitioners have also sought quashment of the non-bailable warrants issued vide Order dated 18th of December, 2025 passed by the Court of learned Judicial Magistrate (Munsiff), Dangiawacha, Baramulla. Simultaneously, the Petitioners are also seeking direction upon Respondent No.1 to initiate penal action against Respondent No.2 and various other persons for committing various criminal offences against the Petitioner No.1/ alleged abductee and also directions to Respondents No. 3 to 5 to provide protection to the Petitioner No.1/ alleged abductee at New Delhi.

02. The brief facts of the case, as emerge from the perusal of the Petition on hand, are that the Petitioner No.1/ alleged abductee claims to be an adult woman, resident of Balhama, Thakan Pora, Rohama, Baramulla, Jammu & Kashmir, who arrived in Delhi on 9th of December, 2024 from her hometown; that, upon her arrival in Delhi, she joined Computer Training Course and so continued her stay in Delhi, during which time, she met Petitioner No.2, who was always helpful and encouraging in respect of

her pursuing Computer Education; that when the Petitioner No.1 informed her family about her friendship with Petitioner No.2, it caused them great distress, naturally the reason being that the Petitioner No.2 belongs to different religion; that the Petitioner No.1/ alleged abductee's uncle-Mushtaq Khan, in particular, was hell bent on getting the Petitioner No.1/ alleged abductee back to her hometown in Kashmir and strongly objected the Petitioner No.1/ alleged abductee's friendship with Petitioner No.2 and pressurized the Petitioner No.1/ alleged abductee to return to her hometown and threatened her that if she does not end her relationship with Petitioner No.2, then the Petitioner No.1/ alleged abductee and her family shall face dire consequences; that, later, the Petitioner No.1/ alleged abductee's mother called her and requested that she should visit her hometown for celebrating *Eid*, on the promise that her family will allow return of Petitioner No.1/ alleged abductee to Delhi, safely and without any obstruction; that, on her promise, the Petitioner No.1/ alleged abductee consented to visit her family in Kashmir for *Eid*; that, thereafter, the Petitioner No.1/ alleged abductee left for Kashmir on 21st of March, 2025 by Bus and reached her home around evening of 22nd March, 2025; that, upon reaching her home in Kashmir and approximately after 2-3 days of celebrating *Eid*, which was on 31st of March, 2025, the Petitioner No.1/ alleged abductee conveyed to her family that it was time for her to return to Delhi for completing her Computer Education course; that, on hearing this, her uncle-Mushtaq Khan got furious and beat her black and blue, he yelled at her to break all ties with Petitioner No.2 and confined her in a dark and shady room in her home and ordered her to get married to a Muslim boy of his choice, however, that the Petitioner No.1/ alleged abductee refused to get married to anyone against her wishes.

03. It is further stated in the Petition that the Petitioner No. 1/ alleged abductee's uncle-Mushtaq Khan issued death threats against the Petitioner No.1/ alleged abductee and her family and said that he, together with other relatives and villagers, would set her family home on fire and

burn everyone alive, if she did not get married, as per his wish and command; that, thereafter, on 6th of April, 2025, the Petitioner No.1/ alleged abductee's uncle-Mushtaq Khan, along with other relatives and uncles, namely, Irshad Khan, Rafiq Khan, Arfaz Bhatt, Ashraf Khan, Aziz Khan and her parental Aunt-Parmeena W/O Mayadeen Khan abducted the Petitioner No.1/ alleged abductee from her home and brought her to uncle-Mushtaq Khan's house; that, there they beat her up for refusing to marry as per their wish and command, assaulted her, punched and kicked her in the face and stomach relentlessly; that, her clothes were torn and she was assaulted and humiliated for not marrying as per their wish and command; that, on the same day, i.e., 6th of April, 2025, Mushtaq Khan pushed informant/ the Petitioner No.1/ alleged abductee against the wall and choked her to the extent that she would either die or give in to his demand, however, even after being subjected to such brutality, the Petitioner No.1/ alleged abductee still refused.

04. It is next stated by the Petitioners that, after sunset on 6th of April, 2025, the Petitioner No.1/ alleged abductee's uncle-Mushtaq Khan pulled out a sharp blade and cut her wrist at his home, in which he was assisted by Irshad Khan, Modena W/O Irshad Khan, Rafiq Khan and Aziz Khan; that the Petitioner No.1/ alleged abductee's uncle-Mushtaq Khan, full of hatred for Petitioner No.1/ alleged abductee and blinded by the veil of honour and orthodox beliefs, refused to show any mercy, however, it was only when the mother of Petitioner No.1/ alleged abductee came and saved her by giving first aid to stop the bleeding; that the Petitioner No.1/ alleged abductee was restrained from visiting any hospital, as they believed she would report this incident to the authorities; that, before sunrise in the early morning of 7th of April, 2025, the Petitioner No.1/ alleged abductee's uncle-Mushtaq Khan, at his home, informed the Petitioner No.1/ alleged abductee that he had found a boy, namely, Danish Khan S/O Aziz Khan, for her for marriage and that she has to marry that boy today itself; that the Petitioner No.1/ alleged abductee strongly refused to his demand, but he threatened

her with his blade with which he had cut her wrist and warned that this time he would cut her throat, if she did not do as he said; that, after sunrise, in the morning of 7th of April, 2025, the Petitioner No.1/ alleged abductee was taken back to her home by her uncle-Mushtaq Khan and other relatives, who had beaten her, and upon reaching, the Petitioner No.1/ alleged abductee was shocked to see that preparations were made for her marriage; that the Petitioner No.1/ alleged abductee's uncle-Mushtaq Khan took her to a corner and threatened her to not raise any alarm or objection, as otherwise he would kill her and set fire to her home, accordingly, ordered the Petitioner No.1/ alleged abductee to sit beside the boy named-Danish Khan S/O Aziz Khan and get married; that, out of fear for her life, under threat and coercion, against her will and without her consent, the Petitioner No.1/ alleged abductee was forced to sit beside Danish Khan and enter into marriage with him; that the marriage performed was illegal and against the wishes of the Petitioner No.1/ alleged abductee and the Petitioner No.1/ alleged abductee refused to consummate her forced marriage with Danish Khan; that she explained to Danish Khan that she was forced into the marriage, whereafter, on 16th of April, 2025, the Petitioner's uncle-Mushtaq Khan, along with Danish's uncle, whose name is also Mushtak Khan, visited Danish's home and first, threatened the Petitioner No.1/ alleged abductee to sleep with Danish and consummate the marriage to which she refused; that, in response, the Petitioner No.1/ alleged abductee's uncle-Mushtaq Khan attacked her and cut her neck and wrist with his sharp blade; that Danish Khan also cut the Petitioner No.1/ alleged abductee's wrist with another blade that he was carrying to coerce and subjugate her.

05. It is further stated in the Petition that, thereafter, on 17th of April, 2025, the Petitioner No.1/ alleged abductee's uncle-Mushtaq Khan, Irshad Khan, Aziz Khan and Danish's uncle-Mushtaq Khan and the mother of Danish Khan tied her arms and legs and she was raped by Danish Khan at his home; that the Petitioner No.1/ alleged abductee was forcefully confined to Danish's home thereafter and, after few days, she was allowed

to go out, but only with Danish's sister, under strict watch; that, as luck would have it, the Petitioner No.1/ alleged abductee was able to seek help from her friends, namely, Ajaz Ahmad Khan and Irshad Ahmad Dar, requesting them to help her escape from Danish's home, to which they agreed, whereafter, on 25th of May, 2025, at around 2 PM, her friend-Irshad Ahmad Dar came and helped her escape; that the Petitioner No.1/ alleged abductee escaped voluntarily, as per her own wish, desire and volition, and without any fraud, force, coercion, inducement, etc., from any person, including the Petitioner No.2; that the Petitioner No.1/ alleged abductee's own conscious and well-thought decision to escape from the hands of such murderous, brutal and inhuman people and no one should be accused/ held responsible for this act of her; that the Petitioner No.1/ alleged abductee reached Delhi *via* Indigo flight 6E2197 with Ticket PNR No. G9EH9H from Srinagar on 25th of May, 2025; that, upon the Petitioner No.1/ alleged abductee's arrival in Delhi, she approached her friend-Petitioner No.2 for help, who picked her up from the Delhi Airport and, since then, she is safe and sound and living as per her own wishes and desires, without any influence, threat, pressure or coercion from anyone.

06. The Petitioners have proceeded to state that, on 25th of May, 2025, the Respondent No.2, who is father of Danish Khan, with whom Petitioner No.1/ alleged abductee has been forcibly married, lodged a complaint with Police Station, Panzalla, Baramulla with respect to abduction/ kidnapping of Petitioner No.1/ alleged abductee and the Station House Officer (SHO), Police Station, Panzalla, Baramulla registered the FIR No. 031/2025 dated 25th of May, 2025, for the commission of offences punishable under Sections 87 and 49 of the BNS, 2023, against unknown persons; that, in furtherance of the impugned FIR No. 031/2025, the friends of the Petitioner No.1/ alleged abductee, including the Petitioner No.2, are being subjected to uncalled for harassment and intimidation and brutality by the police, apparently under the influence and pressure of the Complainant/ Respondent No.2 herein; that the Petitioner No.1/ alleged abductee, whose

abduction is subject matter of the impugned FIR No. 031/2025 dated 25th of May, 2025, is before this Court and categorically states that she has not been kidnapped, abducted or induced by anyone, rather, she has voluntarily escaped the Complainant, his Wife, his family, including his son-Danish and Petitioner No.1/ alleged abductee's uncles and other relatives, as has been stated hereinabove; that the Petitioner No.1/ alleged abductee has also come to know that the Jammu & Kashmir Police had conducted a raid at the home of the Petitioner No.2 in New Delhi on 4th of July, 2025, his family was threatened for framing them under false charges, if they did not reveal the Petitioner No.2's whereabouts; that, under the garb of impugned FIR No. 031/2025, the friends of the Petitioner No.1/ alleged abductee, namely, Ajaz Ahmad Khan and Irshad Ahmad Dar, who helped the Petitioner No.1/ alleged abductee to escape, have been taken in custody by the Kashmir Police to constrain the Petitioner No.1/ alleged abductee to return to her home town, where death awaits her at the hands of religious fundamentalists, extremists, orthodox and conservatives.

07. The impugned FIR No.031/2025 has been assailed by the Petitioners herein, stating that same is nothing, but an arm-twisting tactic to constrain the Petitioner No.1/ alleged abductee to return to her hometown, so to eliminate her and set a precedent for other girls of the religion; that a witch-hunt has been launched by the Jammu & Kashmir Police against the Petitioner No.1, as well as Petitioner No.2, besides the Petitioner No.2 and his family members are being unnecessarily harassed and humiliated on the pretext of false and malicious FIR lodged by the Petitioner No.1/ alleged abductee's kidnapping, abduction or inducement, etc., so much so, a Non-Bailable Warrant (NBW) has been issued against the Petitioner No.2, only to harass and torture him; that the Petitioner No.1/ alleged abductee has not been kidnapped, abducted or induced by anyone, including the Petitioner No.2, and that she left Kashmir out of her own accord; that she is pursuing her education in Delhi and living as per her own wishes and desires, without any influence, threat, pressure or coercion from anyone, including

the Petitioner No.2; that she is ready and willing to record a statement to this effect provided that the Investigation Officer visits her in Delhi or through electronic mode/ Virtual Conference mode by creating a Remote Point in Delhi for the same upon with prior intimation, since it is a matter of life and death for the Petitioner No.1/ alleged abductee and her friends.

08. The Petitioners have also pleaded, in their Petition, that the Petitioner No.1/ alleged abductee has also filed Informatory Petition Under Section 33 of the BNSS, 2023 (previously Section 39 Cr. P.C.) for giving information to the learned Judicial Magistrate 1st Class, South West Dwarka, New Delhi on 19th of August, 2025 and that the Delhi Police has also filed an 'Action Taken Report' before the above said Court of learned Judicial Magistrate on 1st of September, 2025.

09. In the light of the aforesaid facts and circumstances, the Petitioners claim to be aggrieved of the impugned FIR No. 031/2025 dated 25th of May, 2025 and seek quashing of the same through the medium of the present Petition.

10. The Respondent No.2/ Complainant-Ab. Aziz Khan has filed his Objections to the Petition, wherein he has stated that the Petition is not maintainable, in view of the fact that the Petitioner No.1 is the legally wedded wife of Danish Aziz Khan, i.e., the son of the Respondent No.2, who, being husband of the Petitioner No.1, has not been arrayed as a party Respondent before this Court; that since the offence of abduction has taken place, which was reported to the concerned Police authorities, who have taken cognizance of the same, whereupon, investigation into the matter is going on which cannot be allowed to be scuttled by way of filing the Petition before this Court; that the Petitioner No.1 has been forcibly taken away with the help of two accused persons, namely, Aijaz Ahmad Khan S/O Yar Mohammad Khan R/O Khamoo, Rafiabab and Irshad Ahmad Dar S/O Abdul Rashid Dar R/O Hajin, Baramulla, who were taken into custody and have admitted that they facilitated and conspired the commission of the

crime, whereby the daughter-in-law of the Respondent No.2 was abducted and transported to Srinagar Airport at the behest of Petitioner No.2, the main accused in the case, who has paid Rs. 20,000/- reportedly to Aijaz Ahmad Khan for ensuring the commission of the crime, so that the Petitioner No.1 is sent to Delhi and, accordingly, at the Delhi Airport, the Petitioner No.2 received her, as per the plot made

11. The Respondent No.2 has further pleaded that the Petitioner No.1 was peacefully residing after marriage in the house of her in-laws, however, in between, for ulterior purpose and consideration, she was abducted and taken to New Delhi; that the marriage of the Petitioner No.1 was solemnized as per the covenants of *Islam*, to the knowledge of the public at large and, more so, a well-organized marriage function took place pursuant to the *Nikkah* ceremony on 7th of April, 2025 between the Petitioner No.1 and the son of the Respondent No.2.

12. It is also stated by the Respondent No.2, in his Objections, that the Petitioner No.1 is a housewife and semi-literate girl, whereas, the Petitioner No.2 is neither running an Institution for imparting training nor course of Computer, but, for his ulterior consideration, he devised a strategy and well-thought out plan to abduct the Petitioner No.1 and has not spelt out as to how and in which Institute the Petitioner No.2 is imparting training and the so-called providing of shelter is only a cooked up story, only to prejudice the mind of the Court; that the averments of torture, as made in the Petition by the Petitioners, were not reported to the nearby Police Station which is hardly two KMs away, therefore, the same are vehemently denied; and that the father of the Petitioner No.2, through Advocate Vijay Dager (E. No. D/2237/2013), has thrown the Petitioner No.2 out of home and has deprived him of all his moveable and immoveable property due to the illegal activities of Petitioner No.2 and has got the publication to that effect issued in newspapers regarding the disowning of the act of the Petitioner No.2.

13. In addition to his Objections, the Respondent No.2 has also moved an application, being CrIM No. 825/2025, seeking permission of this Court to place on record certain documents having a direct bearing on the proper adjudication of this case. The said documents include a certificate of marriage issued by the Arya Samaj Mandir, Uttam Nagar, New Delhi, showing that the Petitioners have, in fact, contracted marriage on 28th of May, 2025, i.e., prior to the filing of the present Petition before this Court. Besides, certain photographs have also been annexed with the said application showing the marriage having been contracted between the Petitioners. These documents are stated to have been furnished to the Counsel for the Respondent No.2 by one Lavnish Son of Bhagwan Das, the brother of the Petitioner No.2 herein. The said documents are, accordingly, taken on record. CrIM No. 825/2025 is, thus, **disposed** of.

14. The Respondent No.1, through Station House Officer (SHO), Police Station, Panzalla, Baramulla, has filed a Status Report on 15th of April, 2026, wherein it has been stated that, on 25th of May, 2025, one Abdul Aziz Khan S/O Mohd. Zaman Khan R/O Balhama, Nadibal/ Respondent No.2 herein, lodged a written complaint in Police Station, Panzalla, stating therein that his daughter-in-law, namely, Rukhsana W/O Danish Aziz (Petitioner No.1 herein), left her home and did not return after several hours; that during the course of search, it came to light that she had been, in fact, kidnapped by an unknown motorcyclist, who took her away on his motorcycle; that, on the basis of the aforesaid complaint, First Information Report (FIR) No. 31/2025 under Section 87 BNS was registered and investigation was set into motion.

15. It is further stated in the Status Report that, during the course of investigation, several suspects were interrogated and it surfaced that the victim, namely, Rukhsana, had allegedly been kidnapped by one Irshad Ahmad Dar S/O Abdul Rashid Dar R/O Bandipora, J&K, on the instructions of Aijaz Ahmad Khan S/O Yar Mohammad Khan R/O

Khahmoh, J&K, who, in turn, was acting at the behest of the main accused-Nikhil Chokkar S/O Bagwan Das R/O Vani Vihar, Uttam Nagar, Delhi (Petitioner No.2 herein) and had received payment from him for executing the act; that it further came into limelight that the victim was enticed and transported by air to New Delhi, where she was handed over to the main accused (Petitioner No.2 herein), accordingly, offence under Section 49 BNS stood established against the accused-Irshad Ahmad Dar and Aijaz Ahmad Khan; that, during further investigation, a police party was deputed to New Delhi for the recovery of the victim and the arrest of the prime accused, however, since the accused was aware of his involvement and anticipated a police raid, he absconded along with the victim, resulting in the police party returning without any success; that, subsequently, a warrant of arrest against the Petitioner No.2 was obtained from the Court of learned Judicial Magistrate, Dangiwachha, Baramulla, and another police party was deputed to New Delhi to execute the said warrant, however, that too returned without success, as the accused was not traced at his given address.

16. The Respondent No.1, in the Status Report, further pleaded that, thereafter, the victim-Rukhsana (Petitioner No.1) telephonically contacted the police authorities and stated that she had not been kidnapped by anyone, but had travelled to New Delhi out of her own free will to pursue her aspirations and that she was presently residing in New Delhi in a safe and conducive environment, besides, confirming that the Petitioner No.2 is her friend, who is helping her fulfil her ambitions and that she is not willing to return to her native place and expressed her willingness to record her statement before a Magistrate in New Delhi to facilitate the investigation.

17. In the Status Report so filed by Respondent No.1, it is also stated that it was also established that the Petitioner No.1 had earlier travelled to New Delhi to pursue a Computer Course, during which she came into contact with the Petitioner No.2, whereafter, she, however,

returned to her native place and, out of her own free will, entered into marriage with the complainant's son-Danish Aziz Khan in March, 2025 as per *Shariyat* and even personally purchased all items required for her marriage, along with the complainant, and, thereafter, began residing with her husband; that, after approximately three months of marriage, the Petitioner No.1 again came into contact with Petitioner No.2 through accused Aijaz Ahmad Khan, whereafter, on 25th of May, 2025, she left her in-laws' residence with Irshad Ahmad Dar, who transported her on his motorcycle bearing registration No. JK01AA/7506 to Srinagar Airport, from where she boarded a flight to Delhi as the Airline ticket had already been sent to her by the Petitioner No.2 through WhatsApp; that both the accused persons, Aijaz Ahmad Khan and Irshad Ahmad Dar, were arrested during investigation, however, they were subsequently bailed out by the Court of learned Judicial Magistrate, Dangiwach, besides, the motorcycle used in the commission of the offence was seized and later released on Court directions.

18. The Respondent No.1, through the Investigating Agency, next submitted that, during verification, it was revealed that the girl had neither been tortured nor pressured into marriage by her family members, as such, the allegations levelled in this regard were found to be false and not supported by facts; that an abduction case stands registered at the Police Station, Panzalla and remains under investigation, pending the formal recording of the statement of the Petitioner No.1 before the competent authority, in order to ascertain true facts and conclude the investigation in a lawful manner; that the aforementioned case has been pending investigation for a considerable period, inasmuch as, during the course of investigation, Police Station, Panzalla received copy of Order dated 30th of January, 2026 passed by this Court, whereby investigation with respect to case FIR No. 0031 of 2025 has been stayed, as such, in compliance of the said Order, further investigation in the matter has been kept in abeyance; and that, for purpose of carrying out further investigation in the case, the Respondent

No.1 has prayed to vacate the stay in the case, so that further investigation in the matter can be proceeded and taken to its logical conclusion.

19. Mr Kunal Saini, the learned Counsel appearing for the Petitioners, vehemently, argued that the Petitioner No.2 has been unnecessarily and falsely implicated in a case relating to the alleged abduction of Petitioner No.1 by the Respondent No.2, namely, Ab. Aziz Khan, in a case registered vide impugned FIR No. 31/2025 at Police Station, Panzalla, on 25th of May, 2025, for the commission of offences punishable under Section 87 of the BNS, 2023; that the Petitioner No.1, who was pursuing her career in Delhi, came into contact with the Petitioner No.2 who had been extending help of every nature in her Computer Studies in Delhi in a Computer Institute; that the Complainant-Respondent No.2 herein had falsely implicated the Petitioner No.2 for the alleged abduction of Petitioner No.1 on a false and frivolous complaint lodged by the Respondent No.2, namely, Ab. Aziz Khan, claiming that the Petitioner No.1 was the legally wedded wife of his son-Danish Khan, whereas, the fact of the matter is that due to friendship of the Petitioners, who profess different faiths, the Complainant-Respondent No.2, who happens to be a community member of the parental family of the Petitioner No.1, had enacted a forcible marriage against the wishes of Petitioner No.1 by threatening and coercing her into the marriage with his son-Danish Khan with the aid and assistance of one Mushtaq Ahmad Khan, the uncle of the Petitioner No.1; that the Petitioner No.1, before her alleged marriage, was subjected to cruelty by beating and threatening; that the Petitioner No.1 had taken the help of her friends, namely, Aijaz Ahmad Khan and Irshad Ahmad Dar, who facilitated her to reach Srinagar Airport, wherefrom, she had travelled in a flight to Delhi Airport where she was assisted by Petitioner No.2 to reach her destination; and that there was no case of alleged abduction, as has been raised by the Complainant/ Respondent No.2 herein, against the Petitioner No.2 for abduction of Petitioner No.1, as such, it was prayed that the Petitioner No.2 having been falsely implicated for alleged abduction of

Petitioner No.1 in the impugned FIR which is a clear case of abuse of the process of law and is liable to be quashed.

20. Mr Hakim Aman Ali, the learned Deputy Advocate General, appearing for the Union Territory of J&K, argued that after registration of the case on a complaint lodged by the Complainant/ Respondent No.2-Ab. Aziz Khan at Police Station Panzalla, District Baramulla, the police had commenced investigation and had summoned the alleged abductee/ Petitioner No.1 for recording her statement, who, however, telephonically informed the police that she cannot visit the Police Station, as she had been subjected to harassment by her parental family and the alleged marital family due to fear of life and that her statement be recorded in Delhi; that due to filing of the instant Petition before this Court, the investigation of the case was ordered to be stayed by this Court and, as such, no further investigation could be carried out. He, however, added that from the perusal of the complaint, it appears that the Petitioner No.1 is a married woman, having been abducted, as such, an offence is stated to have been committed, as such, thorough investigation into the matter is required, so as to bring out the truth. He further submits that the concerned police be permitted to investigate the matter, so as to find out the truthfulness or otherwise of the allegations made in the complaint, seeking disposal of the instant Petition, in order to conclude the investigation.

21. Mr R. A. Khan, the learned Counsel appearing for the Respondent No.2, on whose complaint the impugned FIR was lodged at Police Station, Panzalla, District Baramulla, for abduction of Petitioner No.1, who he claimed to be wife of his son-Danish Aziz Khan, by two local persons at the behest of Petitioner No.2, who is a Delhi resident, argued that the assertions made in this Petition and the arguments advanced by the learned Counsel for the Petitioners with regard to the Petitioner No.1, staying in Delhi to pursue her educational career are not correct, as she was a married woman and she had been abducted from her matrimonial home

by two local persons, who had transported her to the Airport at Srinagar, wherefrom she had flown to Delhi to join the company of Petitioner No.2; that there was neither any Computer Institute being run by the Petitioner No.2 nor the Petitioner No.1 was pursuing her studies in any Computer Institute, as claimed. He has further argued that he had received documents with regard to the alleged marriage of the Petitioners and has also annexed photographs evidencing the performance of marriage between the Petitioners, despite the fact that the Petitioner No.1 was a married woman and no second marriage could be contracted during the subsistence of her earlier marriage. He submits that the aforesaid documents had been supplied to him by none other, but one Lavnish Son of Bhagwan Das, brother of Petitioner No.2, who had also told him that the Petitioner No.2 had been disinherited from the property by his father for his criminal activities. He has further argued that in a case where a married woman was alleged to have been abducted and being confined by the Petitioner No.2 in Delhi and also performed second marriage, during the subsistence of her earlier marriage, there is no case of quashment of the impugned FIR and prayed that the Petition be rejected and the investigation of the case be permitted to continue, so as to bring the culprits to book.

22. Heard learned Counsels for the parties, perused the pleadings on record and considered the matter.

23. During the pendency of this Petition and in compliance of interim Order dated 16th of April, 2026, the statement of Petitioner No.1, who was identified by her Counsel Mr Kunal Saini, was recorded virtually by the learned Registrar (Judicial) of this Court on 30th of April, 2026. In her statement, the Petitioner No.1 denied her alleged abduction by anybody and, while reiterating her assertions made in the Petition, she stated that she was helped by her two local friends, namely, Aijaz Ahmad Khan and Irshad Ahmad Dar, to reach Srinagar Airport, from where she had flown to Delhi and that she had not been abducted against her will by any of the persons,

rather, has been staying in Delhi of her own will and accord. She has further stated in her statement that she has been now working as a Saleswoman in Delhi to earn her livelihood and does not wish to go back to Kashmir, apprehending threat to her life; that her marriage had been performed forcibly with one Danish Khan S/O Ab. Aziz Khan/ Complainant (Respondent No.2 herein) against her wish, who had also subjected her to rape after the alleged marriage and that she does not wish to live with the said Danish Khan and wants to get divorce from him.

24. From the perusal of the pleadings available on record, it seems that the Respondent No.2-Complainant had lodged a complaint before the Police Station Panzalla, District Baramulla, wherein he had alleged that her daughter-in-law, namely, Rukhsana, had gone outside her home to visit their fields, wherefrom, an unknown person kidnapped her on his motorcycle. The Complainant/ Respondent No.2 further narrated in his complaint that he had searched for both of them, everywhere, but unfortunately could not find any clue with respect to his abducted/ kidnapped daughter-in-law. Taking cognizance of the said complaint, the Police Station Panzalla, District Baramulla registered FIR No. 31/2025 in the matter for the commission of an offence punishable under Section 87 of the BNS, 2023.

25. The Petitioners, in their Petition, however, challenged the registration of the case vide the impugned FIR, on the ground that a false and frivolous case has been registered in the matter, whereas, the fact of the matter is that the Petitioner No.1 had not been abducted/ kidnapped by any person and that she had escaped from her matrimonial home, as she had been forced into marriage with the son of the Complainant/ Respondent No.2 herein by her uncle, namely, Mushtaq Ahmad Khan and other relatives, by threatening and subjecting her to physical cruelty and that she has been pursuing her educational career in Computers in an Institute in Delhi, with the help of Petitioner No.2, who happens to be her friend.

26. The case of the Complainant/ Respondent No.2 herein and that of the Prosecution is that the Petitioner No.1, a married woman-wife of one Danish Ahmad Khan son of the Complainant-Ab. Aziz Khan (Respondent No.2 herein), had been abducted by two local persons, namely, Aijaz Ahmad Khan and Irshad Ahmad Dar and taken to Srinagar Airport, wherefrom she travelled to Delhi and, since then, she has been staying with Petitioner No.2-Nikhil Chhoker. The case of the Prosecution is that due to staying the investigation of the case, the Investigating Agency could not further investigate the case, though it was a case of abduction/ kidnapping of a married woman and confining her in Delhi.

27. The statement of the Petitioner No.1, who is the alleged abductee in the impugned FIR, was recorded by the learned Registrar (Judicial) of this Court pursuant to interim Order dated 16th of April, 2026, wherein she had also admitted that her marriage had been contracted with one Danish Khan son of the Complainant/ Respondent No.2 herein, however, she does not wish to live with him as wife and that she wants to get divorce from him. At the same time, as per the marriage certificate issued by Arya Samaj Mandir, Uttam Nagar, New Delhi, on 28th of May, 2025, copy whereof has been placed on record by the Respondent No.2 through the medium of CrIM No. 825/2026, the Petitioner No.1 is stated to have contracted marriage with Petitioner No.2 on 28th of May, 2025 in Delhi, besides, the photographs annexed with the aforesaid application, also indicate that the Petitioners have performed marriage between them. This certificate of marriage and the photographs were alleged to have been made available to the Counsel for the Respondent No.2/ Complainant by one Lavnish Son of Bhagwan Das, the brother of Petitioner No.2 herein, who also informed that the father of the Petitioner No.2 had disinherited the Petitioner No.2 from his property due to his criminal activities, including marriage with the Petitioner No.1.

28. Taking an overall view of the facts and circumstances of the case, as delineated hereinabove, more particularly the statement of the Petitioner No.1/ alleged abductee and the preliminary investigation by the Police, coupled with the rival submissions urged at the Bar, it appears that the Petitioner No.1, who was married with one Danish Khan, the son of the Complainant-Respondent No.2 herein, on 7th of April, 2025, had left her matrimonial home with the help of two local persons, namely, Aijaz Ahmad Khan and Irshad Ahmad Dar, and reached Delhi, where she started living in the company of Petitioner No.2, with whom she seems to have also contracted a marriage on 28th of May, 2025, therefore, it appears that the Petitioner No.1, despite being a married woman, even if assumed, on the basis of her statement, that she was not forcibly abducted/ kidnapped, had left the company of her husband and started living in with the Petitioner No.2 in Delhi and later performed marriage with him on 28th of May, 2025, before filing of this Petition, during the subsistence of her earlier marriage with the son of the Complainant/ Respondent No.2 herein.

29. It is settled legal position that enticing away a married woman with intention to engage her in illicit sexual intercourse with someone else is a recognized criminal offence under Section 84 of the BNS, akin to Section 498 of the repealed IPC. Besides, without dissolution of the earlier marriage of the Petitioner No.1, she is stated to have performed marriage with Petitioner No.2, which also constitutes an offence of bigamy under Section 82 of BNS.

30. A Division Bench of the Hon'ble High Court of Himachal Pradesh, in a case titled **“Soyab v. State of H.P. and Ors (2026:HHC:17115)”**, wherein the Petitioner had sought custody of a married woman to another person claiming to be her close friend, apprehending threat from her husband and mother-in-law and admitting that he was in a physical relationship, held that: “judicial sanctity cannot be

given to an adulterous relationship which is apparently existing between the petitioner and the detenu.”

31. Therefore, in the attending facts and circumstances of the case, it appears that the complaint which was lodged by the Complainant/ Respondent No.2 herein, who admittedly happens to be the father-in-law of the Petitioner No.1, for her alleged abduction, does not suffer from any infirmity, which may be classified into a case of abuse of the process of law in any manner, so as to quash the impugned FIR. The apprehension of the Petitioner No.1 with regard to threat to her life, while appearing before the Investigating Agency, can be taken care of by directing the Investigating Agency to examine her, at the place where she feels safe, in accordance with law.

32. Having regard to the aforesaid discussion and the reasons assigned hereinabove, this Court is of the considered opinion that the Petitioners have failed to make out a case for intervention of this Court so as to quash the impugned FIR. Accordingly, the present Petition is **dismissed**. Interim direction(s), if any, shall stand vacated.

33. Pending application(s), if any, shall stand **disposed** of, accordingly.

(M. A. CHOWDHARY)
JUDGE

JAMMU
June 29th, 2026
“TAHIR”

i. Whether the Judgment is approved for reporting?

Yes.