

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 118/2025

Reserved on: 03.08.2026

Pronounced on: 07.08.2026

Uploaded on: 07.08.2026

Operative part or full judgment : Full

Sandeep Kumar Bhat
S/O Chaman Lal Bhat,
R/O Flat No. 12, Block H,
TRT Camp, Nagrota, Jammu.

...Petitioner(s)

Through: Mr. Ayushman Kotwal, Adv.

Vs.

- 1. UT of J&K through SHO,**
Police Station, Nagrota,
Jammu.

...Respondent(s)

Through: Ms. Shazia Asaf, Adv. vice
Mr. P.D. Singh, Dy. AG

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

JUDGMENT

1. The present petition has been filed by the petitioner in terms of Section 528 of the BNSS, 2023, seeking quashment of FIR No. 146 of 2020 dated 28.03.2020 registered at Police Station, Nagrota for the commission of the offences punishable under Section 505(2) of IPC.
2. It is pleaded in the petition that the impugned FIR has been lodged against the petitioner with the accusation that the petitioner on 28.03.2020 circulated a rumour on a WhatsApp group that two positive cases of Covid-19 have been found at Migrant Colony, Jagti, Nagrota, which created panic in the society; that the investigation in the case has not been

completed so far and in a latest report dated 11.02.2025 submitted by the SHO concerned to the court of learned Excise Magistrate, Jammu, he has reported that the investigation of the case is almost complete and challan shall be presented shortly.

3. The impugned FIR has been challenged on the grounds that the accusation in the impugned FIR does not disclose or make out the offence as defined and punishable under section 505(2) of IPC; that the rumour alleged to have been circulated by the petitioner, even if taken at its face value, does not constitute offence under section 505(2) IPC because it is not alleged that the said circulation was made by the petitioner with the intent or likelihood as contemplated under the said section; that the latest status report submitted by the respondent No. 2 too does not show that such intent or likelihood has been proved after investigation; that the commission of an offence under section 505(2) IPC is also not made out for the reason that neither it has been alleged nor any evidence is said to have been collected to show that the alleged rumour was a false statement and no positive case had been found in any colony in question at that time; that the registration of an offence under Section 505(2) IPC against the petitioner is an abuse of process of law because the existence of the main ingredients of the offence has neither been alleged in the impugned FIR nor have been proved after investigation; that offence in question

is punishable with imprisonment which may extend to three years and limitation prescribed under section 468 CrPC for taking cognizance of such offence is three years only from the date of offence and continuation of investigation from last five years is abuse of process of law and the impugned FIR is liable to be quashed. Finally, it has been prayed that the impugned FIR be quashed.

4. Pursuant to notice, status report has been filed by the respondent-UT of J&K asserting therein that the exercise of power under section 482 CrPC can be resorted to if the same is justified by the tests laid down in the section itself, however, the instant case is not covered under the sweep of said section; that any attempt on the part of the petitioner to insist this Court to embark upon an enquiry into the allegations, even if the same are reliable or otherwise, should be discouraged; that the remedy under section 482 CrPC is not available to those who come, with oblique motive in order to circumvent the procedure prescribed under law and to frustrate the trial or win over the disinterested witnesses. Finally, it has been prayed that the petition be dismissed.
5. Heard learned counsel for the parties and perused the record.
6. The case of the prosecution, as reflected from the impugned FIR, is that the petitioner circulated a message in a WhatsApp group on 28.03.2020 stating that two positive cases of Covid-19 had been found at Migrant Colony, Jagti,

Nagrota, thereby creating panic in society. It is not in dispute that despite registration of the FIR in the year 2020, the investigation has not culminated into filing of a final report. Even the latest status report dated 11.02.2025 submitted before the learned Excise Magistrate, Jammu, by the concerned police, states that the investigation is almost complete and that the challan shall be presented shortly.

7. Section 505(2) IPC is attracted only when a person makes, publishes or circulates any statement, rumour or report with intent to create, or which is likely to create or promote, feelings of enmity, hatred or ill-will between different groups on the grounds specified therein, such as religion, race, caste, community, language or other similar grounds.
8. A plain reading of the allegations contained in the impugned FIR does not disclose the essential ingredients of the aforesaid offence. The allegation against the petitioner is only that he circulated a message regarding detection of two Covid-19 positive cases in a particular locality, which allegedly created panic. There is no allegation that the message was intended to create, or was likely to create, feelings of enmity, hatred or ill-will between any two groups based on religion, caste, community, language or any other ground contemplated under Section 505(2) IPC. The creation of panic or fear, by itself, does not satisfy the ingredients of the offence under Section 505(2) IPC.

9. Significantly, even after investigation for almost five years, the respondent-UT of J&K has not placed any material before this Court to demonstrate that the petitioner possessed the requisite intention or that the alleged message was likely to promote enmity or hatred between different groups. The status report does not disclose collection of any evidence establishing the foundational ingredients of the offence. It is also not shown that the alleged information circulated by the petitioner was false or fabricated.
10. It is well settled that where the allegations made in the FIR, even if accepted in their entirety, do not constitute the offence alleged, the continuation of criminal proceedings would amount to an abuse of the process of law, warranting exercise of the inherent jurisdiction of this Court to secure the ends of justice.
11. There is yet another aspect of the matter. The offence under Section 505(2) IPC is punishable with imprisonment which may extend to three years. Under Section 468 of the Code of Criminal Procedure, the period of limitation for taking cognizance of such an offence is three years. The FIR was registered on 28.03.2020, yet no final report has been presented before the competent court even after more than five years. The respondents have failed to furnish any satisfactory explanation for such extraordinary delay. Permitting the investigation to continue indefinitely, despite

the absence of material disclosing the commission of the alleged offence, would amount to abuse of the process of law.

12. In the aforesaid circumstances, this Court is of the considered view that the allegations contained in the impugned FIR do not disclose the commission of an offence under Section 505(2) IPC and the continuation of the criminal proceedings even after statutory period of three years as contemplated under section 468 CrPC against the petitioner would serve no useful purpose and would result in miscarriage of justice.
13. Accordingly, the petition is allowed. Impugned FIR No. 146 of 2020 dated 28.03.2020 registered at Police Station, Nagrota for the offence punishable under Section 505(2) IPC, along with all the consequential proceedings arising therefrom, is hereby quashed.
14. Petition is disposed of as allowed, accordingly, along with connected application(s).

(M A CHOWDHARY)
JUDGE

JAMMU
07.08.2026
Naresh/Secy.

Whether the order is reportable: Yes
Whether the order is speaking: Yes

...