

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

**WP(Crl) No. 70/2024
CM No. 5934/2024
CrlM No. 2016/2024**

Mukhtyar Ali

.....Petitioner

Through: Mrs. Deepika Pushkar Nath, Advocate

Vs

UT of J&K & Ors.

.....Respondents

Through: Mrs. Monika Kohli, Sr. AAG

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

**ORDER
(10.12.2025)**

- 01.** The petitioner-Mukhtyar Ali came to petition this Court on 08.10.2024 with a grieving heart that her thirteen years' old daughter's life was found terminated when on 15.08.2024 she was found hanging tied by neck on a tree resulting in her death.
- 02.** The petitioner is resident of Village Jandyal, tehsil Bhalwal district Jammu under the jurisdiction of Police Station, Gharota, Jammu.
- 03.** The victim/daughter of the petitioner was found hanging on a tree in the nearby vicinity of the residential house. The incident led to the reporting of the matter to the Police Station, Gharota, Jammu.

- 04.** The date of incident being 15.08.2024 meant that Police was supposed to have acted with due dispatch and concern to figure out the cause of incident related to death of the petitioner's daughter found hanging on a tree but since nothing purposeful was being reported to the petitioner from the end of the Police, as such, he was led to petition this Court on **08.10.2024** involving a period of two months from the date of incident.
- 05.** In the writ petition, the petitioner has asked for the investigation of the case suspecting that his young daughter was subjected to rape and murder and that the investigation of the case be assigned to Crime Branch, Jammu in view of the recurring failure of Senior Superintendent of Police, Jammu as well as SHO Police Station, Gharota, Jammu to figure out the cause of death of the petitioner's daughter.
- 06.** On the very first day of admission listing of this case on 11.10.2024, appearance on behalf of the respondents came to be caused when the respondents No. 1 to 3, in particular, the respondent No. 3-Senior Superintendent of Police (SSP), Jammu was directed to come up with the status report.
- 07.** The direction to file the status report was with a rider that in case said status report is not filed then the Senior

Superintendent of Police (SSP), Jammu, to remain present in person before the Court to explain the matter, obviously, keeping in consideration the seriousness of the situation on the very face of it obtaining before this Court relatable to death of a young minor girl found dead in suspicious circumstances.

- 08.** The first status report in this case thus, came to be filed on **31.10.2024** by the Sub-Divisional Police Officer- (SDPO), Akhnoor, who then was Mr. Mohan Lal Sharma, (Dy. S.P.) which opens with a reference that the petition be dismissed, as if it was for the SDPO, Akhnoor to come commanding to this Court that the petitioner is coming forward with a misconceived cause and case.
- 09.** In said status report, in the name of facts it came to be stated that SHO Police Station, Gharota has initiated inquiry into the death of the petitioner's young daughter whose name even came to be disclosed in the status report which otherwise is supposed to have been screened by none else than the Police itself.
- 10.** In the status report, the onus was being shifted unto the petitioner to spell out plausible reason that proceedings conducted by the SHO Police Station, Gharota, Jammu was not in accordance with law when SDPO, Akhnoor himself was not stating as to what sort of proceedings

was taking place to figure out the cause of the death of young girl. It came to be mentioned that proceedings under section **194 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023** have been resorted to and inquiry handed over to one Probationary Sub-Inspector, namely, Arun Kumar Shan.

11. The very fact that a case of such a nature was being assigned to a probationary Sub-Inspector by SHO Police Station, Gharota, Jammu, is itself a statement that the case was being taken with a mindset of a routine case to be assigned to a probationary Sub-Inspector who was yet learning the art of investigation in a state of probation.
12. There is no reference in the status report that any Executive Magistrate was ever approached to get the directions for conducting the inquest proceedings and whether any Executive Magistrate was engaged from the very first instance with respect to the so-called proceedings under section **194 of BNSS, 2023**.
13. The first status report dated 31.10.2024, thus, finished within a two page ritual para-wise statement meaning thereby two months' period had generated no factual inputs for the SDPO, Akhnoor to report to this Court.

14. This Court wonders that if the petitioner would not have approached this Court with the present writ petition, then how the petitioner would have been apprised by the SDPO, Akhnoor, about the state of inquiry/investigation in the case when this Court itself was being informed in such a perfunctory manner by SDPO, Akhnoor and it was bothering none of the superior officials of district police to monitor the case as an exhibit of their primary concern which should have been self ignited and invested from the very first date keeping in view the overdrive with which the safety and security of young girls has become a national concern for one and all and repeatedly echoed by the **Hon'ble Supreme Court** through its judgments.
15. This Court was left frustrated to the extent of passing order dated 14.10.2025 about the manner in which the things were being conducted in deciphering the mystery related to the death of said daughter of the petitioner.
16. In terms of the directions given in the order dated 14.10.2025 a purported status report dated **24.11.2025** has come forth from the SDPO, Akhnoor which is literally at the same page as first status report in the present case came to be filed.
17. The postmortem of the dead body of the petitioner's daughter was conducted on 16.08.2024 at 2:35 p.m.

18. By reference to external injuries, the postmortem report mentions ***“ligature mark encircling the neck at the level of thyroid cartilage 4 cms below the right earlobe, 10 cms below the chin and 6 cms below left earlobe, with a deficit area of about 14 cms at the back of the neck. The maximum width of the ligature mark is 1 cm. The external injuries so reported were mentioned to be antemortem in nature”***.
19. The medical team conducting the postmortem reserved its final opinion upon receipt of the forensic examination report from J&K Forensic Science Laboratory.
20. In the purported second status report, the reference is made to FSL report stating that no common poison/drug detected in the exhibits sent for examination and no human spermatozoa detected on the exhibit sent for forensic examination.
21. As per the Board of Doctors’ final opinion based on the postmortem findings, FSL and HPE reports, the cause of the death of the petitioner’s daughter is ‘*asphyxia*’ due to ante-mortem hanging as alleged.
22. In terms of the second status report, the assignment of the matter was made to the Special Investigation Team

constituted by the Senior Superintendent of Police, Jammu vide his **Order No. CRB/2024/78784-87/DPOJ dated 27.08.2024** headed by (i) Dy. SP, SDPO Akhnoor, Jammu who then was Mohan Lal Sharma, (ii) Inspector-Sunil Sharma, SHO, Police Station, Gharota, (iii) PSI-Arun Shan of Police Station Gharota, and (iv) ASI-Anwar Hussain of Police Station Gharota, constituted the SIT- (Special Investigation Team).

23. From the cumulative reading of said two status report, this Court is far away from being impressed lest convinced that any serious minded effort is afoot at the end of the District Police, Jammu to figure out the case of death of the petitioner's daughter. The more time is lost in leaving the matter in the hands of the SIT, the case would be losing its crucial evidence and result would be nothing but an adulterated version which would even leave this Court to be like a spectator to cut sorry figure before the petitioner and wind up the petition as matter of ritual.

24. Therefore, in the facts and circumstances of the case, this Court is fully convinced that it is a case which requires an investigation to be done by none else than the Central Bureau of Investigation-(CBI), Jammu and accordingly, this Court directs the personal appearance

WP(CrI) No. 70/2024

of **Incharge SIT/SDPO Akhnoor as well as Incharge Central Bureau of Investigation, Jammu**, namely, **Mr. V. Chandu, SP-(CBI)**. The **Incharge SIT/SDPO, Akhnoor** shall come up before this Court on the next date of hearing along with entire inquest proceedings/inquiry record.

25. List again on **18.12.2025**.

(RAHUL BHARTI)
JUDGE

JAMMU
10.12.2025
SUNIL

