

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

WP (Crl) No. 35/2025

Parveen Begum

.....Applicant(s)/Petitioner(s)

Through :- Mr. Rohit Kumar Parihar, Advocate

v/s

UT of J & K & Ors.

.....Respondent(s)

Through :- None

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

ORDER
17.06.2025

1. By this petition, direction is sought for reinvestigation or in the alternative, alteration of charge in case FIR No. 47/2024 of P/S Doda being Challan No. 213/2024 titled "*P/S Doda vs. Pyari Devi and ors.*" who stand arrayed as respondent nos. 6 to 8 in this petition against whom to the extent of accused Pyari Devi, only charge sheet has been laid for offences under Section 325 IPC. Though initially the FIR stood lodged for offences under Section 452, 354B, 323, 504, 506 IPC which later on appears to have been dropped during investigation.
2. The petitioner, therefore, seeks to pass a writ of mandamus directing the official respondents to conduct reinvestigation in case FIR No. 47 of 2024 or in the alternative, direct alteration of charge with addition of offence under Section 354 IPC or to pass any appropriate orders.
3. Learned counsel for the petitioner submitted that the police was hand in glove with the respondents and have reconciled with the

version of private respondents, thus have conducted investigation in flagrant violation of law, so intervention of this Court is required to ensure sanctity of criminal justice process.

4. Learned counsel for the petitioner, further has submitted that the matter is of such nature which requires further investigation and that on the strength of statement given by the victim (petitioner) under Section 164 Cr.P.C., the Investigating Officer was required to add offence under Section 354 IPC against private respondent nos. 6 to 8 which he choose not to disclose hence, the petition.
5. Given the aforesaid submissions, this petition is taken up for consideration whereas the petition has been filed in terms of Article 226 of the Constitution of India read with Section 528 of BNSS, 2023 and admittedly, the charge sheet has been laid only against respondent no. 8. Perusal thereof would show that though the complainant claims that on 10.03.2024, the accused allegedly disrobed her after trespassing into her room, but on account of thorough investigation, it has been found that on that day, the complainant had cut a tree over land which was subject matter of dispute between the parties that had led to heated arguments between the complainant and respondent no. 9, i.e., Pyari Devi and in the heat of moment and due to sudden provocation the argument turned into scuffle in which the complainant got beaten up with fists and punches and had received injuries.
6. As per the charge sheet, on account of old enmity, the complainant made false accusation with regard to the happening of incident in her house with allegations of disrobing by the two sons of

respondent no. 9 and abetment by her husband. In fact, the incident never took place

7. All the submissions which the counsel for the petitioner is taking before this Court could be suitably taken before the trial Court as well, be at the stage of drawing of charge and if not taken, still once the petitioner has made statement under Section 164 Cr.P.C., which she claims to have not been duly appreciated by the I.O. for conclusion of charge sheet, which statement if she reiterated and proceeds to stick during the course of the trial that would suffice her case leading her to suitably applying for alteration of charges . In that background, intervention by this Court that too in exercise of writ jurisdiction is not required as charge sheet has been drawn on the strength of an investigation process which is not stated to be tainted one. The petitioner without agitating these aspects before the trial Court, seeks this Court's intervention as the same is bound to cause prejudice to the accused.
8. On hearing the counsel at length and after perusal of the matter on record, no interference is called at this stage under writ or exercise of supervisory jurisdiction as none is available to correct mere errors of fact or of law, unless the error is manifest and apparent on the face of the proceedings. Such jurisdiction is exercisable only when subordinate authority acts in ignorance or utter disregard of the provisions of law. Additionally, such intervention can also be made to prevent causing of grave injustice or gross failure, if occasioned thereby. Reference can be drawn to Surya Dev Rai vs. Ram Chander Rai and Ors. 2003(6) SCC 675.

9. In view of the aforesaid (supra), the petitioner is better left with to approach the trial Court for redressal of grievances be at the stage of further investigation or for alteration of charge. Until that eventually, she cannot claim that the trial Court is proceeding erroneously to the detriments of petitioner.
10. More so, when the charge sheet has been filed and trial is yet to commence, the petitioner has all the opportunities to bring to the notice of the trial court the lacunas which she claims to have been left by the investigating agency. So, she is at liberty to approach the trial Court for proper investigation for redressal of her grievances and persuade the Court accordingly in case she succeeds.
11. The petition is, therefore, disposed of.

JAMMU
17.06.2025
Manik

