

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

CRM(M) No. 354/2022, CrIMNo.1032/2022

**SENIOR SUPERINTENDENT OF POLICE ECONOMIC OFFENCE
WING KASHMIR**

...PETITIONER/APPELLANT(S)

Through:-Ms Maha Majid, Advocate

Vs.

SHAFIQA MUNEER AND ANR.

...RESPONDENT(S)

Through:-None.

CORAM:

HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

**ORDER
03.12.2025**

1) Petitioner, Senior Superintendent of Police, Economic Offences Wing, Kashmir has presented this petition under Section 482 Cr.P.C challenging order dated 15.07.2022, passed by learned Judicial Magistrate 1st Class (City Judge), Srinagar, whereby a direction has been issued to the SHO, Police Station Crime Branch, Srinagar to register an FIR against respondent No.2 and other unknown Police Officials of Police Station, Nowgam and get the case investigated by an efficient Police Officer.

- 2) Nobody has been appearing in this case on behalf of the respondents despite service.
- 3) Heard learned counsel for the petitioner and perused the record.
- 4) The only ground on which the petitioner is challenging the impugned order is that the Police Station, Economic Offences Wing, Kashmir (formerly Crime Branch Kashmir) has no jurisdiction to investigate the case of the nature as projected by respondent No.1 in her complaint before the learned trial Magistrate.
- 5) It has been submitted that as per allegations made in the complaint filed by respondent No.1, her son was tortured to death by the police of Police Station, Nowgam, but jurisdiction to investigate such offences is beyond the scope of S.O 232 dated 09.05.2022 which vests jurisdiction to Police Station, Economic Offences Wing, Kashmir to investigate certain offences.
- 6) A perusal of Notification S.O 232 dated 09.05.2022 reveals that the Government has declared *inter alia* the office of Economic Offences Wing, Srinagar as the Police Station and the Superintendent of Police posted in the said office has been vested with powers of Station House Officer. The Annexure to the said Notification gives the details of offences which can be registered and investigated by the aforesaid Police Station. So far as the offence relating to

custodial torture and killing is concerned, the same does not figure in the list of offences which are eligible to be registered and investigated by Police Station, Economic Offences Wing, Srinagar.

7) A co-ordinate Bench of this Court in the case of ***S.Balbir Singh vs. Ishar Das***, 2010(3)JKJ[HC] 180, has, while deliberating upon a similar issue and considering the powers of the Crime Branch to register and investigate offences in the light of SRO 202 of 1999 dated 03.06.1999 which stands now superseded by Notification S.O 232 dated 09.05.2022, held that a Magistrate has power to direct investigation by Officer Incharge of Police Station Crime Branch only if the said Police Station has jurisdiction to investigate the matter having regard to SRO 202 dated 03.06.1999. In all other cases the Magistrate has to issue direction for registration of case and investigation thereof only upon jurisdictional Police Station.

8) In the instant case, as already stated, the allegation leveled by respondent No.1 in the complaint is with regard to torture and custodial killing of her son by the police of Police Station, Nowgam. Such type of offence does not find mention in the list of offences mentioned in Annexure to S.O 232 dated 09.05.2022. Therefore, the learned trial Magistrate was not empowered to direct Economic Offences Wing, Srinagar to register an FIR and investigate the case, as the same is beyond the jurisdiction of aforesaid Investigating

Agency. Thus, the order impugned passed by the learned Magistrate, is not sustainable in law.

9) Accordingly, petition is **allowed** and the order impugned passed by learned Judicial Magistrate 1st Class (City Judge), Srinagar is set aside and case is remanded to the said Court with a direction to pass fresh orders on the complaint of respondent No.1 in accordance with law.

(SANJAY DHAR)
JUDGE

SRINAGAR
03.12.2025
Sarveeda

Whether the order is reportable: **Yes/No**

