

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

(Through Video Conferencing)

EMG CRM(M) No. 18-A/2020
EMG CrIM No. 05-A/2020 c/w
EMG WP(C) No.53-A/2020

Gowhar Nazir Shah Geelani

..... Petitioner(s)

Through: -

Mr Salih Pirzada, Advocate *(On Video Conference from his residence in Srinagar)*

V/s

Union Territory of JK & Ors.

..... Respondent(s)

Through: -

Mr B. A. Dar, Sr. AAG *(On Voice Call from his residence in Srinagar)*

CORAM:

Hon'ble Mr Justice Ali Mohammad Magrey, Judge *(On Video Conference from Srinagar Wing)*

ORDER

20.05.2020

In the pre-lunch session, when this this matter was taken up and on the statement made by Mr Salih Pirzada, learned counsel appearing for the petitioner, to the effect that during the pendency of this CRM (M) petition, seeking quashment of FIR No.11/2020 registered at Cyber Police Station, Kashmir Zone, he has filed a separate writ petition questioning the order dated 22nd of April, 2020 passed by the Inspector General of Police, Kashmir, whereby the investigation of the case has been transferred to Police Station Sadder, the learned Registrar (Judicial) was directed to list that writ petition alongwith this CRM (M) petition, today itself.

In the post lunch session, the said writ petition, being EMG WP(C) No. 53-A/2020, is listed alongwith this CRM (M) petition and, thus, both these petitions shall, now, stand clubbed together.

EMG-CRM(M) No. 18-A/2020 c/w
EMG-WP(C) No.53-A/2020

(i) EMG-CRM(M) No. 18-A/2020; EMG-CRM No.05-A/2020:

*Mr Salih Pirzada, Advocate for the petitioner.
Mr B. A. Dar, Sr. AAG for the respondents.*

Objections stand filed on behalf of the respondents.

Heard.

List for continuation of arguments on 28th of May, 2020.

At this stage, Mr Salih Pirzada, learned counsel for the petitioner, while highlighting the grievance/ apprehension regarding the arrest of the petitioner, has invited the attention of this Court to the last portion of Paragraph No. (d) of the objections filed by the respondents, which reads thus:

“The above submission have only been emphasized by the respondent just to substantiate the fact and Honorable Court may appreciate that in the instant case the fact no process of arrest has been initiated in the instant case and despite the petitioner being have availed any other remedy is praying for the remedy of quashing of FIR which has no validity under law or is not based upon some legal provisions.”

Since, this Court is not taking any view thereof, so it is for the respondents to deal with this issue.

(ii) EMG-WP(C) No. 53-A/2020; EMG-CM No.63-A/2020; EMG-CM No. 64-A/2020:

EMG-CM No.63-A/2020:

*Mr Salih Pirzada, Advocate for the petitioner.
Mr B. A. Dar, Sr. AAG for the respondents.*

This application is filed with a prayer that the applicant may be allowed to file the accompanying petition, being EMG-WP (C)-No.53-A/2020, without enclosing therewith the requisite Stamp duty, Court fee, attestation of documents, etc.

EMG-CRM(M) No. 18-A/2020 c/w
EMG-WP(C) No.53-A/2020

For the reasons mentioned in the application, coupled with submissions made at the Bar, the instant application is ***allowed*** and the applicant is permitted to file the writ petition bearing EMG-WP (C)-No.53-A/2020 without enclosing therewith the requisite Stamp duty, Court fee, attestation of documents, etc. It is, however, directed that the said deficiency shall be immediately made good by the applicant, as and when the prevailing lockdown period, announced by the Government, comes to an end.

CM ***disposed*** of as above.

EMG-WP(C) No. 53-A/2020; EMG-CM No.64-A/2020:

Mr Salih Pirzada, Advocate for the petitioner.
Mr B. A. Dar, Sr. AAG for the respondents.

Notice in the main petition as well as in the connected CM.

Notice waived by Mr Dar, learned Senior Additional Advocate General, on behalf of the respondents. He shall file objections by the next date of hearing with a copy in advance to the learned counsel for the petitioner.

List as above.

Registry to send copy of this order to the learned appearing counsel for the parties through *e-mail*.

(Ali Mohammad Magrey)
Judge

SRINAGAR
May 20th, 2020
"TAHIR"