HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM(M) No. 78/2023

Reserved on:- 01.10.2026
Pronounced on:- 16.11.2026
Uploaded on:- 16.11.2026
Whether the operative part or
full judgment is pronounced:- **FULL**

1. Dr. Gulzar Ahmad
Aged about 64 years
S/o Ghulam Mohi-ud-din Bhat
R/o Hill View Colony, Wanabal
Rangreth, Srinagar;
2. Dr. Abdul Lateef Salik
Aged about 62 years
S/o Abdul Khaliq Salik
R/o Thong Mohalla Khanyar, Srinagar
At present Umerabad Zainakote,
Srinagar

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

Through:- Mr. Salih Pirzada, Advocate with
Ms. Syed Ainain Qadri, Advocate

V/s

Crime Branch Kashmir, Through
Investigating Officer FIR No. 64/2021,
Police Station, Crime Branch Kashmir

…Respondent(s)

Through:- Mr. Mohsin Qadri, Sr. AAG with
Ms. Maha Majeed, Assisting Counsel

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

J U D G M E N T

1. The principal question that arises for consideration in this petition is whether the Crime Branch, Kashmir, possesses the jurisdiction and authority to investigate offences punishable under the Jammu and

Kashmir Prevention of Corruption Act, Svt. 2006 (hereinafter referred to as "the Prevention of Corruption Act"), particularly where allegations concerning the abuse of official position by public servants and the conferment of undue benefits upon private individuals emerge during the investigation of offences registered under the Ranbir Penal Code (RPC). The petitioners contend that the jurisdiction to investigate offences under the Prevention of Corruption Act vests exclusively in the Vigilance Organization, now known as the Anti-Corruption Bureau (ACB), and that the Crime Branch cannot assume such jurisdiction by invoking SRO 202 dated 03.06.1999.

2. Learned counsel for the petitioners submitted that the scheme of the Prevention of Corruption Act expressly confers jurisdiction upon the Vigilance Organization to register and investigate offences punishable thereunder. It was contended that Section 3 of the Act, read with its provisos, imposes statutory restrictions upon the investigation of corruption offences by police officers who do not possess the requisite rank or authorization. Reference was also made to Section 8-A of the Act, which, notwithstanding anything contained in the Code of Criminal Procedure, confers upon designated officers of the Vigilance Organization, not below the prescribed rank, the powers exercisable by an Officer-in-Charge of a Police Station. Similarly, Section 8-B(2) empowers the competent officers of the Vigilance Organization to exercise powers relating to attachment and seizure of property in accordance with law.

3. Elaborating the submission, learned counsel argued that the aforesaid provisions, particularly when examined in the light of the legislative

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

framework introduced by the Jammu and Kashmir State Vigilance Commission Act, 2011, demonstrate the legislative intention to entrust the investigation of corruption offences to a specialized agency. It was urged that the registration and investigation of such offences, including the consequential steps for obtaining sanction for prosecution, fall within the statutory domain of the Vigilance Organization. Consequently, an investigation undertaken by the Crime Branch into offences under the Prevention of Corruption Act, without compliance with the statutory requirements, would be without jurisdiction.

4. Learned counsel further submitted that SRO 202 dated 03.06.1999, upon which reliance has been placed by the investigating agency, cannot be construed as conferring an independent or unrestricted power upon the Crime Branch to investigate offences under the Prevention of Corruption Act. According to learned counsel, the notification merely delineates the categories of offences and matters that may be investigated by the Crime Branch, including those relating to the conduct of public servants, and cannot override the express provisions of a special enactment. Reliance was also placed upon Circular Order No. 12261-64/GB dated 03.09.1999, wherein it was indicated that, in view of the existence of a specialized agency, namely the Vigilance Organization, matters involving offences under the Prevention of Corruption Act were not to be investigated by the Crime Branch. It was, therefore, urged that the impugned investigations, insofar as they relate to offences under the Prevention of Corruption Act, are legally unsustainable.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

5. Per contra, Ld. Senior Additional Advocate General, on behalf of the Crime Branch, controverted the submissions advanced by learned counsel for the petitioners. He submitted that the FIRs in question were initially registered for offences punishable under Sections 420 and 120-B RPC and also under Sections 467, 468 and 471 RPC. It was only during the course of investigation into the aforesaid offences that material allegedly disclosing the commission of an offence under the Prevention of Corruption Act came to light. According to ld. Sr. AAG the mere disclosure of an offence under the special enactment during an otherwise lawful investigation would not, by itself, render the entire investigation without jurisdiction.

6. Learned Senior Additional Advocate General further submitted that SRO 202 dated 03.06.1999 empowers the Crime Branch to investigate the categories of offences and matters enumerated in the Schedule annexed thereto, including matters concerning the conduct of public servants. It was contended that the allegations against the petitioners involve not merely the commission of offences under the Prevention of Corruption Act but also substantive offences of cheating, forgery, use of forged documents and criminal conspiracy punishable under the RPC. The Crime Branch, having lawfully commenced investigation into those offences, was competent to collect evidence concerning the entire transaction, including the role allegedly played by the public servants. It was further submitted that the investigation has substantially concluded and the matter has been referred to the competent authority for consideration of sanction for prosecution.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

7. The factual background giving rise to the controversy, as emerging from the record of investigation, may be noticed briefly. The prosecution case is that the principal accused, Ghulam Hassan Bhat, allegedly procured and utilized a false age certificate for securing regularization and permanent employment in the Public Health Engineering Department. During the preliminary inquiry, it was revealed that the said accused, allegedly in conspiracy with the members of the then Medical Board, Srinagar, comprising the petitioners, Dr. Gulzar Ahmad Bhat and Dr. Abdul Lateef Salik, and Dr. Abdul Samad Sheikh, the then Chief Medical Officer, Srinagar, who is stated to have expired in the year 2012, obtained an age certificate dated 16.12.1999.

8. The Medical Board assessed the age of Ghulam Hassan Bhat as 32 years as on 16.12.1999, which would place his approximate date of birth in the year 1967. However, verification of the service record and school record of his son, Mohammad Shafi Bhat, who was stated to be serving as a Forest Guard, revealed his date of birth to be 25.02.1966. The prosecution, therefore, alleges that the age assessed by the Medical Board was demonstrably inconsistent with the verified age of the son, inasmuch as the father would, on the basis of such assessment, be younger than his own biological son. This circumstance, according to the investigating agency, raises a serious question regarding the genuineness of the age certificate issued by the Medical Board.

9. It is further alleged that the members of the Medical Board, by abusing their official position and acting in concert with the principal accused, facilitated the issuance of the aforesaid certificate, thereby enabling him

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

to obtain regularization and consequential service benefits to which he was otherwise not entitled. The prosecution maintains that the certificate was subjected to forensic examination and that the material collected during investigation discloses manipulation of the age particulars. It is alleged that, on the strength of the certificate, the principal accused continued to draw salary and other service benefits from the State exchequer, thereby causing wrongful loss to the Government and corresponding wrongful gain to himself, besides adversely affecting the claims of otherwise eligible candidates. On the basis of the material so collected, offences punishable under Sections 420, 467, 468, 471 and 120-B RPC, read with Section 5(2) of the Prevention of Corruption Act, are alleged to have been made out. The matter is stated to be awaiting consideration of sanction for prosecution in respect of the petitioners, who are stated to be in service.

10. Having heard learned counsel for the parties and considered their rival submissions, the controversy essentially turns upon the interpretation of the relevant provisions of the Prevention of Corruption Act vis-à-vis the powers conferred upon the Crime Branch under SRO 202 dated 03.06.1999. There can be no dispute with the proposition that the Prevention of Corruption Act is a special enactment intended to deal with offences involving corruption and abuse of official position by public servants. The Act contains specific provisions regulating investigation into such offences and confers statutory powers upon the Vigilance Organization. The existence of such a specialized investigative mechanism, however, must be examined in the context of the precise

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

nature of the offences initially registered, the authority under which the investigation commenced, and the stage at which material relating to an offence under the Prevention of Corruption Act surfaced.

11. It is not in dispute that, on the dates when the FIRs in question were registered, SRO 202 dated 03.06.1999 was in operation. The said notification empowered the Crime Branch to investigate the categories of offences and matters specified therein, including matters relating to the conduct of public servants. In the present cases, the allegations are not confined to an isolated act of misconduct by a public servant. They involve a transaction in which the petitioners, while functioning as members of a Medical Board, are alleged to have participated in the preparation and issuance of a false certificate, which was subsequently utilized by the beneficiary for obtaining employment-related advantages. The allegations thus disclose an apparent nexus between the conduct of the public servants and the offences punishable under the RPC.

12. The contention that the Vigilance Organization alone is competent to investigate every allegation concerning the conduct of a public servant cannot be accepted in such absolute terms. A distinction is required to be maintained between an offence specifically punishable under the Prevention of Corruption Act and an offence under the general penal law in which a public servant may be involved. The mere fact that an accused happens to be a public servant, or that the alleged transaction involves misuse of official position, does not necessarily divest an otherwise competent investigating agency of its authority to investigate offences falling within its lawful jurisdiction under the RPC.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

13. At the same time, the powers conferred upon the Crime Branch by SRO 202 cannot be interpreted in isolation from the statutory restrictions governing investigation of offences under the Prevention of Corruption Act. A notification issued in exercise of powers under the Code of Criminal Procedure cannot override the substantive requirements of a special statute. Accordingly, while the Crime Branch may be competent to investigate offences under the RPC and collect evidence relating to the conduct of public servants in connection therewith, the investigation of an offence specifically punishable under the Prevention of Corruption Act must conform to the requirements prescribed by that enactment.

14. A plain reading of Section 3 of the Act makes it abundantly clear that offences punishable thereunder are cognizable in nature and, therefore, may be investigated without prior permission of the Magistrate having jurisdiction, subject, however, to the restrictions expressly prescribed under the said provision. Section 3 draws a clear distinction between the investigative powers of officers belonging to the regular Police, including the Crime Branch, and those belonging to the Vigilance Organization. Under the principal provision, a police officer not below the rank of Deputy Superintendent of Police (Dy.SP) is competent to investigate offences punishable under the Act without obtaining prior permission from the Magistrate.

15. The first proviso specifically stipulates that no police officer below the rank of Deputy Superintendent of Police shall investigate any such offence without an order of a Magistrate of the First Class or effect an arrest without a warrant. Consequently, an officer of the regular Police or

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

Crime Branch holding the rank of Deputy Superintendent of Police or above is legally competent to investigate offences under the Act, whereas an officer below the said rank may undertake such investigation only upon obtaining the requisite order from the competent Magistrate. The second proviso, however, carves out a specific exception in favour of officers of the Vigilance Organization. It permits an officer of the Vigilance Organization above the rank of Sub-Inspector, though below the rank of Deputy Superintendent of Police, to investigate offences under the Act, provided such officer has been specifically authorized in writing by an officer not below the rank of Assistant Superintendent of Police. Such authorization is confined to the offence specified therein and does not, by itself, confer the power of arrest. The power to effect arrest remains subject to separate authorization by the Deputy Superintendent of Police in accordance with Section 56 of the Code of Criminal Procedure.

16. Thus, the statutory scheme makes a clear distinction between the power to investigate and the power to arrest, while prescribing different conditions for officers of the Vigilance Organization and those belonging to other wings of the Police.

17. Significantly, Section 3 does not confer exclusive jurisdiction upon the Vigilance Organization to investigate offences under the Act, nor does it impose an absolute prohibition upon the regular Police or Crime Branch from investigating such offences. On the contrary, the provision expressly recognizes the competence of police officers of the prescribed rank to undertake such investigations, irrespective of the wing of the Police to which they belong, subject to compliance with the statutory requirements.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

Crime Branch holding the rank of Deputy Superintendent of Police or above is the inevitable conclusion, therefore, is that an officer of the regular Police or competent to investigate offences punishable under the Act without obtaining prior permission from a Magistrate. An officer below that rank may also investigate such offences upon obtaining an order from a Magistrate of the First Class, whereas eligible officers of the Vigilance Organization may exercise such powers pursuant to the special authorization contemplated under the second proviso.

18. Any interpretation suggesting that the Vigilance Organization alone possesses exclusive authority to investigate offences under the Act would amount to reading into Section 3 a restriction that the Legislature has not expressly imposed. Such an interpretation would not only disregard the plain language of the provision but would also render the distinction consciously drawn between the principal enactment and its two provisos largely redundant. This is the only interpretation that harmoniously gives effect to the language, structure and legislative intent of Section 3 of the Act.

19. The interpretation suggested by learned counsel for the petitioners, if accepted without qualification, would substantially denude SRO 202 dated 03.06.1999 of its operation in matters involving the conduct of public servants. Such a construction would not be warranted unless the governing statute expressly or by necessary implication excludes the jurisdiction otherwise conferred upon the Crime Branch. The notification must, therefore, be given effect within its legitimate field of operation,

HIGH COURT OF JAMMU & KASHMIR AND LADAKH सत्यमेव जयते

subject always to the overriding requirements of the Prevention of Corruption Act in respect of offences specifically punishable thereunder.

20. The Circular Order No. 12261-64/GB dated 03.09.1999, relied upon by the petitioners, also does not advance their case to the extent suggested. An administrative circular regulating the distribution of investigative work between different agencies may govern their internal functioning; however, it cannot, by itself, enlarge or curtail jurisdiction conferred by statute or by a notification validly issued under statutory authority. The effect of the circular must consequently be understood in the context of the governing statutory framework. Similarly, any internal instruction requiring prior approval of the Inspector General of Police before an investigation is undertaken by the Crime Branch would have to be examined with reference to its source, scope and legal effect. The alleged breach of an administrative instruction cannot, without more, be equated with the absence of statutory jurisdiction.

21. A careful examination of Section 8-A of the Jammu and Kashmir Prevention of Corruption Act, Svt. 2006, reveals that the provision confers upon officers of the Vigilance Organization, above the rank of Sub-Inspector, the powers exercisable by an Officer-in-Charge of a Police Station, notwithstanding anything contained in the Code of Criminal Procedure. Such powers may be exercised throughout the territorial limits of the State, now the Union Territory of Jammu and Kashmir, and an officer exercising those powers is deemed to be the Officer-in-Charge of a Police Station within the territorial limits in which such powers are exercised.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

22. Ordinarily, under the scheme of the Code of Criminal Procedure, the Officer-in-Charge of a Police Station is empowered to investigate cognizable offences within the territorial jurisdiction of that police station. Section 8-A, however, confers a wider territorial authority upon designated officers of the Vigilance Organization, enabling them to exercise the powers of an Officer-in-Charge of a Police Station throughout the territory to which the enactment applies. The object of the provision is thus to facilitate the effective functioning of the Vigilance Organization by removing the ordinary territorial limitations applicable to police stations. It cannot, merely on that account, be construed as excluding the jurisdiction of every other investigating agency in respect of offences otherwise falling within its lawful competence.

23. The contention of learned counsel for the petitioners that Section 8-A, read with Section 3 of the Act, completely excludes the jurisdiction of the Crime Branch is, therefore, not sustainable in the broad manner in which it has been advanced. Equally untenable is the reliance placed upon Circular Order No. 12261-64/GB dated 03.09.1999. An administrative circular regulating the distribution of investigative functions cannot override the authority conferred by SRO 202 dated 03.06.1999, nor can it displace the requirements of the governing statute. The circular must necessarily be construed in harmony with the statutory framework.

24. In the present case, the FIRs were initially registered for offences under the Ranbir Penal Code. During investigation, material surfaced indicating that the petitioners, while functioning as members of the Medical Board, had allegedly abused their official position to confer an undue pecuniary

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

advantage upon the beneficiary, Ghulam Hassan Bhat. The Medical Board assessed his age as 32 years on 16.12.1999, which would place his approximate date of birth in December 1967, whereas the verified date of birth of his son, Mohammad Shafi Bhat, was 25.02.1966. The resulting inconsistency constituted the foundation of the allegations concerning manipulation of age and abuse of official position.

25. It was in the course of investigation into these allegations that the offence punishable under Section 5(2) of the Prevention of Corruption Act was invoked. The subsequent disclosure of an offence under the special enactment does not, by itself, invalidate an investigation lawfully commenced in respect of offences under the RPC. The competence of the investigating officer to investigate the offence under the Prevention of Corruption Act must, however, remain subject to the requirements prescribed by Section 3 of that Act. Subject to such statutory compliance, the objection that the Crime Branch lacked jurisdiction merely because the investigation also disclosed an offence under the Prevention of Corruption Act cannot be accepted. Consequently, the preliminary objection regarding the jurisdiction of the Crime Branch to investigate the allegations concerning the conduct of the petitioners is overruled. The Court shall now proceed to examine whether the allegations and the material collected during investigation disclose the essential ingredients of the offences attributed to the petitioners.

26. The material on record indicates that the petitioners, Dr. Abdul Lateef Salik and Dr. Gulzar Ahmad Bhat, were members of the Medical Board constituted for assessment of the age of Ghulam Hassan Bhat. The Board

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

was headed by Dr. Abdul Samad Sheikh, the then Chief Medical Officer, Srinagar, who has since expired. The certificate dated 16.12.1999 was issued by the Board in the discharge of its official functions, and the participation of the petitioners in its issuance is not seriously disputed.

27. The principal submission advanced on behalf of the petitioners is that the certificate in question, even if its contents are alleged to be incorrect, cannot be regarded as a forged document within the meaning of Section 464 RPC. It is not the prosecution case that the signatures appearing on the certificate were forged, that the seal affixed thereon was fabricated, or that the document was issued by persons impersonating the members of the Medical Board. The certificate was admittedly issued by the officials who were authorized to undertake the age assessment. It was, therefore, argued that the essential ingredient of making a false document, which forms the foundation of the offences of forgery, is absent.

28. In support of the aforesaid contention, reliance was placed upon the decision of the Supreme Court in ***Mohammed Ibrahim and Others v. State of Bihar and Another, (2009) 8 SCC 751,*** wherein the distinction between a document containing an allegedly false assertion and a false document within the meaning of Section 464 of the Penal Code was examined. The Hon'ble Supreme Court explained that merely executing a document containing an incorrect claim does not necessarily amount to making a false document. For an offence of forgery to be constituted, the act complained of must satisfy the statutory requirements relating to the making of a false document.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

29. The principle emerging from the aforesaid decision is that the falsity of a statement contained in a document is not, by itself, sufficient to constitute forgery. The prosecution must establish that the document was made or executed in one of the modes contemplated by Section 464 of the Penal Code. The distinction assumes significance because the offences punishable under Sections 467 and 468 necessarily presuppose the commission of forgery, while Section 471 contemplates the fraudulent or dishonest use of a forged document as genuine. Reference was also made to ***Mir Nagvi Askari v. Central Bureau of Investigation, AIR 2010 SC 528,*** wherein the Hon'ble Supreme Court examined allegations concerning the preparation and use of documents by bank officials in the course of their official duties. The decision emphasizes the necessity of establishing the ingredients of making a false document before criminal liability for forgery can be fastened upon an accused. The mere circumstance that an official document contains an incorrect entry or was prepared in connection with an allegedly irregular transaction does not dispense with the requirement of satisfying the statutory definition of forgery.

30. Section 464 of the Penal Code contemplates three broad categories in which a person may be said to have made a false document. The first relates to the dishonest or fraudulent making, signing, sealing or execution of a document with the intention of causing it to be believed that it was made or executed by another person, or by the authority of a person who had not authorized its execution. The second concerns the dishonest or fraudulent alteration of a document in a material part without lawful

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

authority after its execution. The third relates to dishonestly or fraudulently causing a person to sign, execute or alter a document when such person, by reason of unsoundness of mind, intoxication or deception, is incapable of understanding its contents or the nature of the act. Tested on the touchstone of the aforesaid statutory requirements, the certificate dated 16.12.1999 does not appear to fall within any of the three categories. It is not alleged that the petitioners lacked the authority to issue an age assessment certificate in their capacity as members of the Medical Board. Nor is it alleged that they impersonated any other person, forged the signatures or seals of the competent authorities, materially altered an existing certificate without lawful authority, or procured its execution by resorting to any of the circumstances contemplated by the third category of Section 464 RPC.

31. The gravamen of the prosecution case is that the petitioners, while exercising their lawful authority to assess the age of the beneficiary, deliberately recorded an incorrect assessment to confer an undue advantage upon him. Such an allegation, if established, may attract criminal liability under other provisions of the penal law, including those relating to cheating, conspiracy and criminal misconduct by public servants. It does not, however, automatically satisfy the statutory definition of making a false document. A distinction must be maintained between the authenticity of the execution of a document and the truthfulness of its contents.

32. In the circumstances, the mere allegation that the age assessment contained in the certificate was false or deliberately manipulated cannot,

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

without the additional ingredients contemplated by Section 464 RPC, constitute the offence of forgery. Since the foundational requirement of making a false document is not disclosed by the allegations as presently framed, the offences punishable under Sections 467, 468 and 471 RPC are not *prima facie* attracted against the petitioners.

33. The conclusion reached in respect of the offences of forgery does not, however, resolve the question whether the allegations disclose the ingredients of cheating, criminal conspiracy and criminal misconduct. These offences are distinct in their constituent elements and must be examined independently.

34. Section 24 RPC defines the expression “dishonestly” with reference to an intention to cause wrongful gain to one person or wrongful loss to another. For an offence of cheating, the material consideration is whether deception was practised and whether, as a consequence thereof, the person deceived was dishonestly or fraudulently induced to deliver property or to act or omit to act in a manner contemplated by the relevant penal provision.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
सत्यमेव जयते

35. In the present case, the prosecution alleges that the petitioners, while acting as members of the Medical Board, assessed the age of Ghulam Hassan Bhat as 32 years on 16.12.1999 (year of birth 1967) notwithstanding the fact that his biological son was born on 25.02.1966. The age assessment, if accepted, would place the father's birth approximately one year after that of his son. Such an assessment is manifestly inconsistent with the established biological relationship and

constitutes a circumstance of considerable significance in examining the allegation of deliberate misrepresentation.

36. It is further alleged that the certificate was issued with the object of enabling the beneficiary to secure regularization and permanent employment in the Public Health Engineering Department. The Department, acting upon the age assessment certified by the Medical Board, is stated to have extended service benefits to the beneficiary, including salary and other pecuniary advantages payable from the State exchequer. The prosecution thus attributes to the petitioners an act of deliberate deception intended to induce the Department to treat an incorrect age assessment as genuine and to confer benefits upon a person allegedly not entitled thereto.

37. The allegation, therefore, is not confined to a mere error of judgment in the assessment of age. The prosecution case is that the petitioners knowingly furnished a false assessment in the exercise of their official functions and thereby facilitated the conferment of an unlawful pecuniary advantage upon the beneficiary. Whether the assessment was deliberately manipulated, whether the petitioners acted in concert with the beneficiary, and whether the requisite dishonest intention existed are matters requiring appreciation of evidence. At the present stage, however, the allegations and the material collected during investigation furnish a prima facie basis for examining the petitioners' liability under Sections 420 and 120-B RPC.

38. The allegations also disclose the essential foundation of an offence of criminal misconduct under Section 5(2) of the Prevention of Corruption

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

Act, read with the relevant provision defining such misconduct. The petitioners were public servants at the relevant time and are alleged to have abused their official position to secure a pecuniary advantage for another person. The benefit allegedly obtained by the beneficiary was not merely incidental to the issuance of the certificate but is stated to have been the intended consequence of the manipulation of his age. These circumstances, if established at trial, may attract the penal consequences prescribed by the Prevention of Corruption Act.

39. The power vested in this Court under Section 482 of the Code of Criminal Procedure is undoubtedly wide, but its exercise is circumscribed by well-settled principles. Such power is intended to prevent abuse of the process of any court or otherwise to secure the ends of justice. It is not to be employed as a substitute for trial, nor does it authorize the Court to undertake a meticulous appreciation of disputed evidence at the stage of considering the validity of criminal proceedings. In ***R.P. Kapur v. State of Punjab, AIR 1960 SC 866,*** the Supreme Court recognized that criminal proceedings may be quashed where the allegations, even if accepted at their face value, do not constitute the offence alleged, or where the proceedings suffer from a fundamental legal infirmity. The inherent jurisdiction is thus available to prevent a prosecution from continuing where the essential ingredients of the offence are demonstrably absent. In ***V. Ravi Kumar v. State, (2019) 14 SCC 568,*** the Supreme Court reiterated the limited scope of interference in criminal proceedings at the threshold. Similarly, in ***Neeharika Infrastructure Private Limited v. State of Maharashtra and Others, decided on 13.04.2021,*** the Supreme Court

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

emphasized that the power to quash criminal proceedings must be exercised sparingly and with circumspection, and that the Court ordinarily ought not to interfere with a lawful investigation where the allegations disclose the commission of a cognizable offence.

40. Applying the aforesaid principles to the facts of the present case, this Court finds that the allegations, even if accepted in their entirety, do not disclose the making of a false document within the meaning of Section 464 RPC. The continuation of proceedings against the petitioners for offences punishable under Sections 467, 468 and 471 RPC would, therefore, not be justified in the absence of the foundational ingredients of forgery. The position is, however, materially different in respect of the offences punishable under Sections 420 and 120-B RPC, read with Section 5(2) of the Prevention of Corruption Act. The allegations concerning deliberate manipulation of the age assessment, the alleged concert between the petitioners and the beneficiary, and the consequent conferment of pecuniary benefits from the State exchequer disclose sufficient prima facie material warranting further proceedings in accordance with law. Interference with the investigation or prosecution in respect of these offences would require the Court to enter into disputed questions of fact and assess the probative value of the material collected, an exercise impermissible within the limited scope of the present proceedings.

41. Accordingly, this Court is of the considered view that the petitioners have made out a case for interference only to the extent of the offences punishable under Sections 467, 468 and 471 RPC. No ground is made out

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

for quashing the proceedings insofar as they relate to offences punishable under Sections 420 and 120-B RPC, read with Section 5(2) of the Prevention of Corruption Act, subject to compliance with the statutory requirements governing investigation and prosecution. For the foregoing reasons, this petition is ***partly allowed*** in the following terms:

i. The challenge to the jurisdiction of the Crime Branch to register and investigate the offences under the RPC, on the ground that the allegations also involve offences under the Prevention of Corruption Act, is rejected.

ii. The impugned FIR and consequential proceedings, insofar as they relate to offences punishable under Sections 467, 468 and 471 RPC against the petitioners, are quashed.

iii. The proceedings in respect of offences punishable under Sections 420 and 120-B RPC, read with Section 5(2) of the Jammu and Kashmir Prevention of Corruption Act, Svt. 2006, shall continue in accordance with law.

iv. The investigating agency shall be at liberty to take such further steps as are permissible in law, including completion of any remaining investigation and presentation of the final report before the competent court, subject to compliance with the statutory

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

requirements relating to investigation and sanction for prosecution, wherever applicable.

(Sanjay Parihar)
Judge

JAMMU
16.11.2026
Akhil Dev

Whether the order is speaking? : Yes

Whether the order is reportable? : Yes

HIGH COURT
सत्यमेव जयते
OF JAMMU & KASHMIR AND LADAKH