Serial No. 11
Regular Cause List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

CRM (M) No. 913/2026
CrlM No. 2076/2026

Fayaz Ahmad Sheikh **…Petitioner(s)**

Through:
Mr M. Saleem Parray, Advocate.

V/s.

Union Territory of Jammu & Kashmir and Ors. **...Respondent(s)**

Through:

CORAM:
Hon'ble Mr Justice Shahzad Azeem, Judge.

ORDER
11.11.2026

01. The Petitioner seeks quashing of FIR No. 38/2026 dated 15th of May, 2026 registered at Police Station Achabal for the commission of offences under Sections 318 (4), 309 (4), 126 (2) and 61 (2) (a) of the Bharatiya Nyaya Sanhita, 2023 [BNS] only insofar as it concerns him, together with a direction to the official Respondents to preserve the Petitioner's posting, duty, deployment and movement records for 3rd of October, 2025; the original Test Identification Parade (TIP) proceedings and related identification record dated 3rd of October, 2026.

02. The principal ground urged is that the original complaint neither names the Petitioner nor attributes any specific act of inducement, receipt of money, taking of gold, threat or prior agreement to him; the allegations against police personnel are directed against "unknown persons". It is further contended that the name of the Petitioner came to be introduced only after a Test Identification Parade (TIP) conducted on 3rd of October, 2026.

03. The Petitioner does not, at this stage, invite the Court to evaluate the record of that Test Identification Parade (TIP) or to treat the

absence of his name in the original complaint as a conclusive ground for quashment; he seeks preservation of the primary records so that his implication may be assessed on legally sustainable material.

04. Heard learned Counsel appearing for the Petitioner.

05. It is well settled that an FIR is not an encyclopedia of the entire case and is always subject to the collection of requisite material during the course of investigation. Once a cognizable offence is reported, the police are under a statutory duty to register the FIR. It is equally well-settled that if, during investigation, the complicity of persons other than those initially named in the FIR surfaces, there is no statutory bar in proceeding against such persons.

06. It is not in dispute that a Test Identification Parade (TIP) was held on 3rd of October, 2026 in the presence of the Executive Magistrate after permission from the Court of Judicial Magistrate 1st Class, Shangus. The Order dated 16th of October, 2026 (Annexure-II) recites that the Petitioner was positively identified by Basharat Ahmad Kachroo. On the strength of that identification and the report of the SDPO, Achabal, the Petitioner was arrayed as an accused and a notice under Section 35 (3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 [BNSS] was stated to have been served upon him. The original Test Identification Parade (TIP) proceedings, the earliest description given by the witnesses, and the record of any prior opportunity of seeing the Petitioner have not been placed before the Court.

07. The Petitioner is a serving police official who, according to the material collected during investigation, has been identified in connection with an alleged incident of robbery [Section 309 (4) BNS] and related offences. While the status of a public servant does not, by itself, create any presumption of guilt, it equally does not immune him from investigation once a cognizance offence is disclosed and material connecting him surfaces.

08. At the present stage, the Court is concerned only with whether the FIR, read with the subsequent identification and the report leading to his implication, discloses a cognizable offence against the Petitioner.

09. The Petitioner does not demonstrate that the material relied upon is non-existent or that the investigation is being conducted with bias. In these circumstances, interference under Section 528 of the BNSS read with Article 226 of the Constitution of India at the threshold would amount to stifling a legitimate investigation.

10. For the reasons aforesaid, the Petition is found to be without merit. It is, accordingly, **dismissed** in *limine*, together with the connected CrlM.

(Shahzad Azeem)
Judge

SRINAGAR:
November 11th, 2026
"TAHIR"

