



2026:JKLHC-SGR:232

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

CRM(M) No. 261/2023

Reserved on: 15.07.2026
Pronounced on: 22.07.2026
Uploaded on: 22.07.2026
Whether the operative part or full
judgment is pronounced: *Full*

1. Javid Ahmad Lone, age 42 years,
S/o Gh. Ahmad Lone,
R/o Hajinard, Karnah, Kupwara

2. Raja Ikhlq Akbar, age 40 years,
S/o Gh. Akbar Khan,
R/o Teetwal, Karnah, Kupwara.

...Petitioner(s)/Appellant(s)

3. Safeer Ahmad Gadwal, Age 41 years,
S/o Mangta Gadwal,
R/o Batpora, Karnah, Kupwara.

4. Basit Khan, age 30 years,
S/o Ab. Hamid Khan,
R/o Chanipora, Karnah, Kupwara.

Through: Mr. Waseem Ramzan, Adv.

Vs.

Union Territory of J&K Th.
Station House Officer, Police Station Karnah,
District Kupwara

...Respondent(s)

Through: Mr. Faheem Nisar Shah, GA.

CORAM:

HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE

J U D G M E N T

1. Petitioners have invoked Section 482 of the Criminal Procedure Code (CrPC) for quashment of FIR No. 11/2023, of Police Station, Karnah, registered under Section 8A/27B, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) with a prayer for grant of compensation of Rs. 50.00 lacs to each of the petitioners.

**Brief Facts:**

2. On 23.01.2023, a reliable source information was received that the petitioner along with other persons were clandestinely involved in the illegal trade of narcotic drugs and psychotropic substances smuggled from across the Line of Control (LoC) and that the proceeds were being invested in immovable and movable properties to conceal their illicit origin. This information led to the registration of FIR No. 11/2023 against the petitioners and other named persons.

3. During investigation, search warrants were obtained from the Executive Magistrate concerned and thereupon, 14 vehicles allegedly belonging to the accused were seized in the presence of the Magistrate. Statements of witnesses were also recorded. It is further seen that mobile phones were also seized and sent to FSL for analysis. However, on completion of investigation, the case was closed as “**not admitted**” on the ground that sufficient admissible evidence could not be gathered to lay a charge sheet before the competent court of law.

Challenge and Submissions:

4. The petitioners, who claim to be respectable persons with clean antecedents and modest means of livelihood, have challenged the FIR on the grounds that it is vague, omnibus, and based on a concocted story, as no recovery of any contraband was made. It is also contended that one of the named accused was already in jail since 2018, therefore, FIR was registered with the ulterior motive of harassment and extortion. Apart from seeking quashment of FIR, petitioners have also prayed for compensation of Rs. 50.00 Lacs.



5. In rebuttal, respondent filed status report stating therein that FIR was registered on credible information and investigation was conducted fairly and transparently. It is further submitted that during investigation, due process of law was followed and the petitioners were neither harassed nor arrested, rather petition has become infructuous on account of closure of investigation as “**not admitted**”.

Analysis and Discussion:

6. At the outset, it is to be noted that writ petition only survives and also pressed to the extent of prayer for grant of compensation, as investigation stood closed as “**not admitted**”.

7. The FIR was registered on the basis of reliable source information disclosing commission of cognizable offences under the NDPS Act. The Constitution Bench of the Hon’ble Supreme Court in **Lalita Kumari vs. Government of Uttar Pradesh & Ors (2014) 2 SCC 1** has held that registration of FIR under Section 154 CrPC is mandatory when the information discloses commission of a cognizable offence. The police, therefore, have no discretion to refuse registration or to conduct a preliminary inquiry to test the veracity of such information.

8. In the present case, the information received by the police clearly disclosed a cognizable offence. The registration of the FIR was, therefore, in discharge of the statutory duty cast upon the police. There is nothing discernible from the Case Diary that the FIR was registered without any basis or with any oblique motive at the threshold stage.

9. The perusal of CD file makes it manifestly clear that the investigation was conducted by following due process of law, in that search warrants were



obtained from the Executive Magistrate and vehicles were seized in his presence. It is further seen that correspondence was made with the revenue and other departments regarding properties.

10. All the above noted steps demonstrate that investigation was conducted in accordance with law. There is no material to indicate any lapse, high-handedness, or malafide on the part of the Investigating Officer or the SHO concerned, as is alleged by the petitioners.

11. A very vital aspect of the matter which needs to be noticed is that the investigation has been closed as **“not admitted”** on the ground that sufficient admissible evidence could not be gathered to file a charge sheet. Had the Investigating Officer been acting with any malafide intention or with the object of harassing the petitioners or extorting money, he could have attempted to somehow manipulate or fabricate evidence to file a false charge sheet and drag the petitioners into prolonged trial. Instead, the I.O. has bonafidely closed the investigation when the evidence was found insufficient. Therefore, the closure itself is a manifestation of the bona fide intention of the Investigating Officer.

12. It is specifically stated in the status report that the petitioners were neither harassed nor subjected to arrest during investigation. There is no allegation or material of custodial torture, prolonged illegal detention or physical harassment.

13. Compensation in writ jurisdiction or under inherent powers is an exceptional public law remedy available only when there is an established violation of fundamental rights, coupled with malafides or gross abuse of process causing demonstrable harm. Mere registration of FIR on receiving



information of commission of a cognizable offence and closure as “**not admitted**” do not constitute violation of any of the fundamental rights of the petitioners.

14. The Hon’ble Supreme Court while dealing with the case of grant of compensation under the provisions of NDPS Act in **State of Rajasthan vs. Jainudeen Shekh & Anr. (2016) 1 SCC 514** held that where the accused were acquitted after the FSL Report showed no contraband and there was delay in testing, compensation cannot be awarded unless there is a positive material showing malafide or false implication.

15. Petitioners in the case on hand did not bring on record any material of such like nature, entitling them compensation for violation of their fundamental rights. The claim of the petitioners for payment of compensation is, therefore, wholly misconceived and unsupported by any established violation of fundamental rights or proof of malafides, therefore, same is rejected.

16. A last minute attempt is made to drive home the point that FIR was lodged with ulterior motive, and in this regard, learned counsel for the petitioners, canvassed at bar that the impugned FIR does not disclose commission of cognizable offence, because Sections 8A, 27B and 29 of the NDPS Act are not standalone substantive offences. However, this argument is liable to be rejected outrightly, because the allegations leading to registration of FIR specifically discloses that the petitioners along with other persons were found to have allegedly involved in the trafficking of narcotics from across the Line of Control into the UT of Jammu and Kashmir and proceeds whereof allegedly converted and transferred in raising buildings



and acquiring immovable and movable properties with the intention to conceal or disguise the true nature and illicit origin of such income. Therefore, these allegations taken at their face value, *prima facie*, at the threshold have disclosed the involvement of the petitioners in illegal trafficking of narcotic drugs and laundering of proceeds arising therefrom which falls within the ambit of NDPS Act and thus Section 8A attracts, which prohibits certain activities relating to property derived from such offences which is punishable under Section 27B of NDPS Act. Therefore, the argument of the learned counsel for the petitioners that the offences for which FIR is lodged do not constitute standalone substantive offences is also misconceived, and accordingly rejected.

17. Keeping in view that the substratum of the petition has disappeared and the FIR is no longer operational, nothing survives in the petition for adjudication, particularly for the collateral purpose of claiming compensation. Therefore, the prayer for grant of compensation is also rejected as being misconceived and unsupported by any material showing malafides or violation of fundamental rights.

18. For the foregoing reasons, the petition, being bereft of merit is accordingly dismissed.

19. The CD file be returned to Mr. Faheem Nisar Shah, learned GA for onward transmission to the concerned Police Station with due dispatch.

(SHAHZAD AZEEM)
JUDGE

SRINAGAR:
22.07.2026
Altatf

Whether approved for reporting? Yes