

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

(THROUGH VIRTUAL MODE)

**CrIM No. 505/2020
CRM(M) No. 135/2020**

Rehana Akhter. ...Petitioner(s)

Through: Mr. Ateeb Kant, Advocate.

Vs.
U.T. of J&K & Ors.

...Respondent(s)

CORAM: Hon'ble Mr. Justice Sanjay Dhar, Judge

**(ORDER)
03.09.2020**

1. The petitioner has filed the instant petition, seeking a direction upon the police concerned to arrest the respondents/accused, involved in FIR No. 25/2020 for the offence under Section 367-D, 506,509, 120-B IPC and Section 66 of Information Technology Act, registered with Police Station Larnoo, Kokernag.

2. It is stated that petitioner had approached Police Station Larnoo with a complaint against the accused/respondent/accused No. 6 to 8, alleging therein sexual exploitation and blackmailing etc. against them. On the basis of the complaint, aforesaid FIR came to be registered. It is further contended that the private respondents threatened the petitioner and her daughter with dire consequences in case petitioner prosecutes her complaint and she was compelled to approach the Judicial Magistrate 1st Class, Vailoo with a complaint, wherein a direction was issued by the learned Magistrate to the Station House Officer concerned to take necessary action. It is further contended that private respondents continued to harass the petitioner, so as to compel her to withdraw the case against them and she was forced to approach

the police authorities but to no avail. It is also contended that her images and videos, that are in the custody of police in connection with the investigation of aforesaid FIR, are finding their way in social media. It is also the case of the petitioner that police is not arresting all the accused, involved in the case.

3. In the backdrop of above facts, petitioner has sought a direction against the police to arrest those accused who have not been arrested so far with a further direction that police should not circulate the videos and images of the petitioner on social media.

4. So far as the investigation of a case is concerned, it is the sole prerogative and domain of the investigating agency. The mode and manner of investigation has to be in accordance with the relevant provisions of the Criminal Procedure Code. Whether or not a suspect needs to be arrested in a case and whether or not there is sufficient material against a suspect, showing his complicity in the crime, are the questions exclusively within the domain of the investigating agency. However, while taking decision on these issues the investigating agency is expected to be fair and impartial. It is also the duty of the investigating agency to provide adequate security cover to the witnesses of a crime, particularly in the case of a crime involving a sexual molestation of a lady.

5. To achieve the aforesaid objective of fair investigation of the case and protection of victims of the crimes, this petition is disposed of by directing the investigating agency to take all available measures to ensure that culprits are brought to book and those who are required to be arrested are put behind the bars with a further direction that petitioner and her family members be

provided adequate security after assessment of perception of threat to their life and property. A direction is also issued to the investigating agency to ensure that photographs and video-images seized during the course of investigation are not leaked and uploaded on social media.

6. The writ petition is *disposed of* on the above terms.

(Sanjay Dhar)
Judge

Srinagar
03.09.2020
"Ab. Rashid"

Whether order is speaking *Yes/No.*

Whether order is reportable *Yes/No.*