Sr. No. 97

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 586/2023

Shams U Din and another

..... petitioner (s)

Through :- Ms. Diksha Handoo Advocate

V/s

UT of Ladakh and another .....Respondent(s)

Through :- Mr. Vishal Sharma DSGI.

Coram: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER
(29.12.2023.)

1 The instant petition has been filed seeking quashment of FIR No. 28/2023 dated 01.03.2023 registered by Police Station, Leh under Sections 147/148/341/323/506 IPC against the petitioners.

3 It seems that during the pendency of the aforesaid proceedings, a compromise was arrived at between the petitioners and the private respondents, therefore, this Court vide its order dated 22.12.2023 directed the parties to record their statements before the Registrar Judicial of this Court and in compliance to the said order, their statements have been recorded by the Registrar Judicial of this Court on 27.12.2023 wherein they have admitted that they have settled their dispute amicably and prayed that the impugned FIR may be quashed.

4. The question as to whether the proceedings can be quashed on compromise between the parties, is no more res-integra. The Hon'ble Apex

Court in **Narinder Singh &ors. versus State of Punjab &ors., (2014) 6 SCC 466**, framed the guidelines for accepting the settlement for quashing the proceedings or refusing to accept the settlement with direction to continue with criminal proceeding. Paragraph Nos. 29.3, 29.4 & 29.5 are reproduced below:-

> *"29.03 Such a power is not be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by Public Servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.*
>
> *29.4 On the other, those criminal cases having overwhelmingly and pre-dominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.*
>
> *29.5 While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases".*

5. In the present case also, the offence alleged against the petitioners does not fall within the offence of heinous nature. Keeping in view the nature of the allegations and also considering the fact that the parties have already settled the matter, the impugned FIR deserves to be quashed.

6. In view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court to secure the ends of justice, this petition is allowed and FIR No. 28/2023 dated 01.03.2023 registered by Police Station, Leh under

Sections 147/148/341/323/506 IPC against the petitioners along with all consequential proceedings is quashed.

7. Disposed of accordingly.

(MOKSHA KHAJURIA KAZMI)
JUDGE

Jammu
29.12.2023
Sanjeev

HIGH COURT
JAMMU & KASHMIR