

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**

CRM(M) No. 805/2023

Mohd Hafiz son of Rehman resident of  
Barmota Bani District Kathua

..... petitioner (s)

Through :- Mr Jasbir Singh Jasrotia Advocate.

**V/s**

1. UT of Jammu and Kashmir through  
Incharge Police Station Bani Kathua  
2 . Kuldeep Singh son of Chatter Singh  
resident of Kilore Morha Dumia Bani District  
Kathua

.....Respondent(s)

Through :- Mr Sudershan Kumar Advocate for  
R-2.

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

**ORDER**  
(22.12.2023.)

1                      Petitioner is seeking quashment of FIR No. 051 dated 26.08.2023  
under Sections 323,342,504,506 IPC registered with Police Station, Bani.

2.                      The petitioner states that the impugned F.I.R was registered at  
the instance of respondent No.2 in connivance with some other local persons to  
harass the petitioner as he belongs to the minority community.

03.                      It appears that during the pendency of the proceedings, the parties  
have decided to settle the dispute amicably outside the Court. They have also  
entered into a compromise with each other and executed a Compromise Deed  
on 22.10.2023, which is placed on record and decided to resolve the dispute  
thereby putting an end to litigation.

04.                      In terms of the said compromise, it is stated that the parties have  
settled their disputes amicably and have clarified all mistakes and

misunderstandings between them. In view of compromise entered into between the parties, both the parties were directed to record their statements before the Registrar Judicial of this Court. In compliance to the said directions, their statements have been recorded by the Registrar Judicial of this Court on 24.11.2023 wherein the parties have admitted the contents of the deed of compromise as well as its execution.

05. The question which arises for consideration whether the proceedings can be quashed on compromise between the parties, is no more res integra. The Hon'ble Apex Court in '**Narinder Singh and others vs. State of Punjab and others**', (2014) 6 SCC 466, framed 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 being relevant are reproduced below:-

*"29.4 Such a power is not to 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."*

06. **In Jitendra Raghuvanshi and ors. vs. Babita Raghuvanshi and another, 2013 0 Supreme (SC) 247**, the Hon'ble Apex Court has held in Para 12 as under:

*"12. In our view, it is the duty of the Courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the Court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, **Section 320** of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings."*

07. 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 is required to be quashed.

08. 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. 051 dated 26.08.2023 registered under Sections **323,342,504,506 IPC** with Police Station, Bani is quashed.

10. Disposed of accordingly.

(MOKSHA KHAJURIA KAZMI)  
JUDGE

Jammu  
22.12.2023  
sanjeev