

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 732/2024

c/w

CRM(M) No. 731/2024

1.Sajad Mir Age 53 Years

.... Petitioner/Appellant(s)

2. Aftab Mir Age 48 Years

both sons of Ghulam Rasool Mir

both residents of R/o Ward No.8,

Rajouri.

Through:-

Mr. Sanjay Sharma, Advocate in
CRM(M) No.732/2024.

Mr. Manik Bhardwaj, Advocate in
CRM(M) No. 731/2024.

V/s

.....Respondent(s)

**1.UT of J&K, Through SHO
Police Station, Rajouri.**

**2. Anmol Koul,
S/o Sh. Amar Nath Koul
R/o Ward No. 7,
District Rajouri,**

Through:-

Ms. Chetna Manhas, assisting
counsel to Mrs. Monika Kohli, Sr.
AAG

CORAM : HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE

ORDER

31.12.2024

1. In the instant petitions, the petitioners have invoked the inherent jurisdiction of the Court under Section 439 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) for quashing FIR No. 122 of 2014 (dated 19.03.2014) and FIR No. 130 of 2014 (dated 23.03.2014), both registered at the Police Station, Rajouri, on the ground that the dispute between the

parties has already been resolved and that they have entered into a compromise with the complainant.

FIR No. 122 of 2014 was registered against the petitioners on the complaint of respondent No. 2 (Petitioner in CRM(M) No. 731/2024) for commission of offences under Sections 380, 457, and 427 RPC.

FIR No. 130 of 2014 was registered at the instance of the petitioners against respondent No. 2 for commission of offences under Sections 420, 406, and 409 RPC.

2. Learned counsel for the petitioners submits that in 2003, a dispute emerged between the petitioners and the complainant (respondent No.2) concerning the vacation of the shop as the petitioners wished to use the shop for their personal purposes. The petitioners made a request to respondent No. 2 to vacate the shop, so that they could take possession for personal use. In response, the complainant sought additional time to vacate the same. It is stated that despite the request, the complainant did not vacate the shop within the expected time frame, and failure of respondent No. 2 to vacate the shop led to the dispute intensifying between the parties. Ultimately, the situation escalated to such an extent that both parties filed cross FIRs (First Information Reports) against each other, which are now being challenged in the instant petitions.

3. Learned counsel for the petitioners submits that the parties have settled their disputes amicably and a Compromise Deed dated 08.06.2024 has been executed between the petitioners and complainant-respondent No. 2 with regard to the settlement of all of their disputes in both the FIRs

i.e., FIR Nos. 122 of 2014 & 130 of 2014. A copy of the Compromise Deed dated 08.06.2024 has been annexed with this petition. Perusal of the same reveals, that the parties have resolved the dispute amicably and they and no longer wish to pursue the instant petitions.

3. In support of the compromise deed executed between the parties, statements of the petitioners as well as respondent No. 2 have been recorded before the Registrar Judicial of this Court on 29.10.2024.

4. In light of the compromise deed dated 08.06.2024 executed between the parties, copy whereof has been placed on record as well and on the basis of statements recorded of both the parties in support of the compromise before the Registrar Judicial of this Court on 29.10.2024, the learned counsel for the petitioners prays for disposal of the instant petition and consequently, quashment of the FIRs in question.

5. Having heard learned counsel for the parties and to pursue quietus to the controversy and amicable settlement between the parties, no useful purpose would be served in continuation of the instant petition. Similar issue was considered by the Hon'ble Apex Court in **Narinder Singh & ors. versus State of Punjab & ors., (2014) 6 SCC 466**, vide which the guidelines were framed for accepting the settlement, for quashing the proceedings or refusing to accept the settlement with direction to continue with criminal proceedings. Paragraph Nos. 29.3, 29.4 & 29.5 are reproduced below:-

“29.03 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.

29.04 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.

29.05 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.”

6. Therefore, such power is not to be exercised in prosecutions cases which involve heinous & serious offences of mental depravity like murder, rape, dacoity, etc.

7. In the present cases also, the offences alleged against the petitioners do not fall within the offences of heinous nature of mental depravity, like murder, rape, dacoity as such, keeping in view the nature of the allegations and considering the fact that they have settled the matter and decided to live in a peace and harmony, as the petitioners as well as complainant (respondent No. 2) having specifically agreed that they have no objection if FIRs in question are quashed.

8. The possibility of conviction in view of the compromise between the parties, is bleak and continuation of criminal proceedings will cause grave injustice to the parties as the parties are no longer interested in pursuing the same. This Court is of the view that continuation of proceedings in the instant petitions would be abuse of process of the Court.

9. In view of the aforesaid discussion as well as keeping in view the law laid down by the Hon'ble Apex Court, both the petitions are allowed and FIR No. 122 of 2014 (dated 19.03.2014) and FIR No. 130 of 2014 (dated 23.03.2014), both registered at the Police Station, Rajouri are quashed.

10. The instant petitions are, accordingly, *disposed of* along with connected application(s), if any.

(SINDHU SHARMA)
Judge

JAMMU
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31.12.2024

