

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 76/2024

CrIM No. 151/2024

CrIM No. 1449/2025

CrIM No. 1450/2025

Sanjay Kumar, Age 56 years,
S/O Nand Lal
R/O Village Krandi Kallan,
Tehsil Marheen, District Kathua

.... Petitioner/Appellant(s)

Through:- Mr. Gagan Oswal, Advocate.

V/s

1. UT of Jammu & Kashmir
through SHO, Police Station
Rajbagh, Kathua.

.....Respondent(s)

2. Tanyan Mathawan,
D/O Lt. Raman Kumar,
R/O Hardo Muthi, Amala,
Tehsil Marheen, District
Kathua.

Through:- Mr. P.D.Singh, Dy. AG vice
Mr. Suneel Malhotra, GA for R-1
Mr. Amit Gupta, Advocate for R-2

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

ORDER

13.08.2025

CrIM No. 1449/2025

1. The instant application has been filed by the applicant/petitioner seeking table amendment of the date of FIR, which has been inadvertently mentioned as 26.06.2016 instead of 24.06.2016 in the afore-titled petition.
2. For the reasons stated in the application, and in view of the submissions made at the Bar, the same is **allowed**. The date of FIR shall be read as 24.06.2016 instead of 26.06.2016 in the afore-titled petition.
3. The application stands **disposed** of.

CrIM No. 1450/2025

1. The applicant/petitioner has moved this application for placing on record certain documents which, according to him, are necessary for adjudication of the case.
2. For the reasons stated in the application, and in view of the submissions made at the Bar, the same is **allowed**. The documents annexed with the application are taken on record, subject to all just exceptions.
3. The application stands **disposed** of.

CRM(M) No. 76/2024

1. The petitioner, through the medium of the present petition, has invoked the inherent jurisdiction of this Court under Section 482 of the CrPC, seeking quashment of the criminal proceedings against the petitioner in charge-sheet No. 121/2016, dated 20.07.2016 titled “**State v. Sanjay Kumar**”, arising out of FIR No. 130/2016, dated 24.06.2016, registered at Police Station Rajbagh, District Kathua, for offences punishable under Sections 363 and 109 of RPC, which are presently pending consideration before the Court of the learned Judicial Magistrate (Munsiff), Hiranagar.
2. The allegations under Section 363 RPC were levelled against one Neeraj Kumar for the kidnapping of respondent No. 2/prosecutrix, and the petitioner herein was implicated for abetment of the said offence. Neeraj Kumar was the main accused in the case, however, during the pendency of the proceedings, he expired, and now the petitioner alone is facing trial for offences under Sections 363 and 109 RPC before the Trial Court.
3. It is submitted that the petitioner and respondent No. 2/prosecutrix have amicably settled their dispute and entered into a compromise

pursuant to a compromise deed dated 23.12.2023, whereby respondent No. 2 has expressed her desire not to pursue the matter any further. A copy of the said compromise deed has been placed on record. It is further submitted by the parties that the name of respondent No. 2 has been wrongly recorded as Taniya instead of Tanyan in the FIR.

4. The parties appeared in person before this Court and, in order to verify the genuineness of the compromise, their statements were directed to be recorded before the learned Registrar Judicial of this Court vide order dated 05.08.2025. Their statements, recorded on 05.08.2025, have been placed on record. In their statements, the parties have categorically deposed that they have resolved all their disputes, issues, and misunderstandings of their own free will, without any pressure or coercion. Respondent No. 2/abductee has specifically stated that she has no grievance against the petitioner and has no objection if the FIR, along with consequential proceedings in the case titled **“State v. Sanjay Kumar”** pending before the Trial Court is quashed.

5. The Hon’ble Supreme Court, in **‘Narinder Singh & Ors vs. State of Punjab & Ors’, (2014) 6 SCC 466**, laid down the guidelines for accepting or refusing settlements in criminal proceedings. Paragraphs 29.3 and 29.4, being relevant, are reproduced as under:

29.3 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.

6. In the present case, the offences alleged against the petitioner do not fall within the category of heinous or grave crimes of mental depravity such as murder, rape, or dacoity. Having regard to the nature of the allegations, the amicable settlement arrived at between the parties, their decision to live in peace and harmony, and the categorical statement of respondent No. 2/abductee, that she has no objection to the quashing of the proceedings, this Court is of the considered view that no fruitful purpose would be served by allowing the criminal proceedings to continue. In view of the compromise, the possibility of conviction 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.

7. Learned counsel for the petitioner has also relied upon the judgment of the Delhi High Court in '**Satender Sharma v. State & Anr.**', **2016 Supreme (Del) 1179**, wherein the Court quashed the proceedings on the basis of compromise between the parties, while reiterating the principle that cases of personal nature, arising out of misunderstanding and lacking any element of public interest, can be quashed to secure the ends of justice.

8. In view of the aforesaid discussion and the law laid down by the Hon'ble Supreme Court, this petition is **allowed**. Accordingly, FIR No. 130/2016 dated 24.06.2016 registered at Police Station Rajbagh, Kathua along with charge sheet arising out of the FIR and all consequential proceedings, pending before the Trial Court, are quashed. A copy of this order shall be forwarded to the Trial Court for compliance and record.

9. **Disposed** of accordingly, along with connected application(s).



(M A Chowdhary)
Judge

Jammu:

13.08.2025

Madan Verma/Secy.

Whether order is speaking?

Yes/No.

Whether order is reportable?

Yes/No.