

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 256/2024
CrlM No. 572/2024

Satnam Singh, age 43 years
S/O S. Dalip Singh
R/O Digiana Camp
Near Gurudwara,
Jammu.

.... Petitioner(s)

Through:- Mr. Mohd. Latif Malik, Advocate.

V/s

1. UT of Jammu & Kashmir
Through SHO,
Police Station,
Gangyal, Jammu.

....Respondent(s)

2. Surinder Kour
D/O S. Gurvinder Pal Singh
R/O Nanak Chak, Kathua
A/P Digiana Camp
Near Gurudwara, Jammu

Through:- Mr. P.D. Singh, Dy. AG for R-1
Mr. Manpreet Singh Saini for R-2

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

ORDER

09.09.2025

1. The petitioner, by way of the present petition filed under Section 482 of the Code of Criminal Procedure (now Section 528 BNSS) seeks quashing of FIR No. 114/2019 registered at Police Station, Gangyal, Jammu on 19.10.2019, for the commission of offences punishable under Sections 452,354,323 RPC and subsequent charge sheet bearing No. 90/2019 arising out of it, pending disposal before the Court of learned Judicial Magistrate, Sub Registrar, Jammu (for short, Trial Court).

2. It is submitted that petitioner is the cousin of respondent No.2 and is also next door neighbor and their families are having very cordial relations, however, there had been some heated exchange between them on 19.10.2019, under the spur of moment and the respondent No.2 filed an application before Police Station, Gangyal, Jammu, pursuant to which FIR No. 114/2019 for the commission of offences punishable under Sections 452, 354, 323 RPC was lodged against the petitioner and subsequently charge sheet under Section 173 Cr.PC, bearing No.90/2019 was also produced before the Trial Court.

3. It has been pleaded that during the pendency of the charge sheet, with the intervention of the elderly members of the family, respondent No.2/complainant and petitioner/accused have entered into compromise and pursuant to the said compromise, complainant is no more interested to pursue the case pending disposal before the Trial Court as the same was the result of heated exchange altercation only; that in this regard, a compromise deed was executed between them which is placed on record as Annexure-II with the petition. It is further submitted that both of them have settled their differences and complainant does not want to prosecute the case as she wants to live in peace and harmony, to continue her family relations with the petitioner.

4. The petitioner/accused and respondent No.2/complainant appeared in person before this Court and, to verify the genuineness of the compromise, they were examined by the learned Registrar Judicial of this Court. In their statements, they have categorically deposed that the matter has been amicably resolved of their own free will, without any pressure or coercion. Petitioner No. 2/complainant has specifically submitted that she has no grievance against the petitioner now and has no objection, if the

FIR No.114 of 2019 dated 19.10.2019 registered at Police Station, Gangyal, Jammu and consequent charge sheet bearing No. 90/2019 pending before the Trial Court, along with consequential proceedings, are quashed.

5. Learned Dy. AG, while appearing for the State, submits that in view of the private nature of the offences, and the complainant/respondent No.2 having reconciled, by compromise to the injury caused to her by the acts of the accused/petitioner, appropriate orders as warranted under law be passed. It is worthwhile to note that respondent-UT despite opportunities, has not filed objections to the petition.

6. 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 of the judgment being relevant are extracted as under:

29.3 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.

Hon'ble Delhi High Court in '**Satender Sharma v. State & Anr.**', 2016 Supreme (Del) 1179, 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.

7. In the present case, the petitioner-accused has been charge sheeted for the commission of offences punishable under Sections 452, 354 and 323 RPC. The offence under Section 452 RPC is punishable with imprisonment of either description for 7 years, and fine whereas offence under Section 354 RPC is punishable with imprisonment of either description for 2 years or fine and both are non-compoundable, however, offence under Section 323 RPC is punishable with imprisonment of either description for 1 year, or fine of Rs. 1000 and is compoundable. All these offences of which the petitioner-accused has been charge sheeted are of personal nature committed against the person of complainant/respondent No.2, who by way of compromise deed, has decided not to press these offences before the trial Court and also reiterated the same before this Court.

8. In the present case also, 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 petitioner and respondent No.2, their decision to live in peace and harmony being cousins and next door neighbours, and the categorical statement of the complainant-respondent No.2 that she has no objection if the FIR and the charge sheet arising out of the said FIR, are quashed, this Court is of the considered view that no fruitful purpose would be served by allowing the criminal proceedings to continue.

9. In view of the compromise, the possibility of conviction being remote and bleak, the continuation of criminal proceedings would only result in

unnecessary harassment to both the petitioner and respondent No.2, who have chosen to live in peace and harmony.

10. Having regard to the foregoing reasons, the afore-stated discussion and the legal precedents (supra), this petition is **allowed**. As a result, FIR No. 114/2019 under Sections 452, 354 and 323 RPC registered at Police Station Gangyal, Jammu on 19.10.2019 and the charge-sheet No. 90/2019 arising out of the FIR and all consequential proceedings pending before the Trial Court are hereby quashed. A copy of this order shall be forwarded to the Trial Court for information and compliance.

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

Jammu:

09.09.2025

Madan Verma-Secy.



(M A Chowdhary)
Judge