

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 578/2024

CrlM No. 1181/2024

CrlM No.1182/2024

1. **Dilawar Khan**, age 28 years
S/O Arif Khan, R/O Village Kud,
Tehsil Chenani, District Udhampur.

2. **Khuram Khan**, age 28 years
S/O Arif Khan, R/O Village Kud,
Tehsil Chenani, District Udhampur.

.... Petitioner(s)

Through:- Mr. Bari Abdullah, Adv.

V/s

1. UT of Jammu & Kashmir
Through Police Station,
Kud, District Udhampur.

2. **Mohd. Arshad**
S/O Late Mohd. Ashraf
R/O Mall Road, Kud
Tehsil Chenani, District Udhampur.

....Respondent(s)

Through:- Mr. Sumeet Bhatia, GA for R-1.
Mr. N.D.Qazi, Adv for R-2.

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

ORDER

09.09.2025

1. The petitioners (hereinafter 'accused' for convenience) by way of the present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 corresponding to Section 482 of the Code of Criminal Procedure, seeks quashing of FIR No. 0037/2019 dated 15.07.2024 for the commission of offences punishable under Sections 333/74/351(3) of Bharatiya Nyaya Sanhita, 2023 read with Section 4/25

of the Arms Act, 1959 registered at Police Station, Kud District Udhampur on a written complaint filed by respondent No.2 (hereinafter called 'complainant' for convenience), alleging that the accused have been falsely implicated in the case, due to business rivalry.

2. It is submitted that the aforesaid FIR was registered at the instance of respondent No. 2- Mohd Arshad. The petitioners alleged that lodging of said FIR is act of business rivalry which is also forthcoming from the tone and tenor of the contents of the impugned FIR as through the medium of an application addressed to the Senior Superintendent of Police (SSP), Udhampur, the respondent No.2, as an applicant, sought providing of security to him at his expenses and for that purpose created a façade of allegations against the petitioners by even referring to the business angle in the case. The petitioners being aggrieved of the aforesaid FIR filed the instant petition on the grounds taken in it. This Court, vide order dated 26.07.2024, while issuing notice to the respondents has stayed the operation of impugned FIR.

3. During the pendency of this petition a settlement has been arrived at between the petitioners-accused and the respondent No.2-complainant in respect of the matter that has led to the registration of the impugned FIR. In this regard, a compromise deed has also been executed between complainant and accused which has been placed on record of this petition, through motion (CrlM No.1326/2025).

4. It is contended in the compromise deed that parties are relatives as well as neighbours to each other and have entered into compromise, and the complainant decided to withdraw the allegations contained in the FIR and to refrain from doing such activities in future as well. It is also contended that both the parties to the agreement want to carry on good

relations in future and want to finish the case between them as such by virtue of compromise deed both the parties seek quashing of impugned FIR No.0037/2024 dated 15.07.2024.

5. Both the parties 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 he has no grievance against the petitioners now and has no objection, if the FIR No.0037/2024 dated 15.07.2024 registered at Police Station, Kud, District Udhampur on his complaint, is quashed.

6. Respondent-investigating agency in its objections, pleaded that during the course of investigation the offences punishable U/Ss 333 house trespass, 74 use of criminal force with intent to outrage the modesty of a woman, 351(3) criminal intimidation and 4/25 Arms Act were made out against the accused. The offences punishable U/Ss 333 and 74 BNS and 4/25 Arms Act are non-compoundable.

7. Heard learned counsel for the parties, considered their submissions and perused the record.

8. A perusal of the compromise deed, executed on 28th July, 2025, between the parties, i.e complainant/private respondent and accused/petitioners, would show that the parties have entered into a compromise with regard to the impugned FIR.

9. 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 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.

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.

10. In the present case also, the offences alleged against the petitioners do not fall within the category of heinous or grave crimes of mental depravity, such as murder, rape, or dacoity. It is clear that the parties to the dispute have entered into a compromise, whereby complainant has decided not to pursue prosecution in the impugned FIR against the petitioners. Therefore, once the rival parties have arrived at a settlement, allowing the prosecutions to continue, would amount to great injustice to both the parties and, in fact, it will amount to frittering away the fruits of compromise that has been arrived at between the parties. The continuance

of proceedings against the petitioners, in these circumstances, will be nothing but an abuse of process of law.

11. Having regard to the nature of the allegations, the amicable settlement arrived at between the petitioners and respondent No.2, their decision to live in peace and harmony being relatives and next door neighbours, and the categorical statement of the complainant-respondent No.2 that he has no objection to the quashing of FIR, this Court is of the considered view that no fruitful purpose would be served by allowing the criminal proceedings to continue.

12. In the present case, the petitioners-accused have been charge sheeted for the commission of offences punishable under Sections 333, 74 and 351(3) BNS read with Section 4/25 of the Arms Act, 1959. The offence under Section 333 BNS is punishable for a term which may extend to seven years and shall also be liable to fine and is non-compoundable. Offence under Section 74 BNS is punishable with not be less than one year but which may extend to five years imprisonment and shall also be liable to fine and is non-compoundable and offence under Section 351(3) BNS RPC is punishable which may extend to seven years or with fine or with both and is compoundable and offence 4/25 Arms Act is punishable with not less than two years which may extend to five years and shall also be liable to fine and is non-compoundable. All these offences of which the petitioners-accused have been charge sheeted are of personal nature committed against the person or complainant-respondent No.2, who by way of compromise deed, has decided not to press these offences before the Police and has also reiterated the same before this Court.

13. In view of the aforesaid discussion and the law laid down by the Hon'ble Supreme Court, this petition is **allowed**. As a result, FIR No. 0037/2024 dated 15.07.2024 registered at Police Station, Kud, District Udhampur for offences punishable under Sections 333/74/351(3) of Bharatiya Nyaya Sanhita, 2023 read with Section 4/25 of the Arms Act, 1959, is hereby quashed.

14. **Disposed** of, accordingly, along with connected application(s) if any.

CC
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(M A Chowdhary)
Judge

Jammu:
09.09.2025
Madan Verma-Secy.

