

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

CRM(M) No. 577/2024

Deepak Mala and another

.....Petitioner/Appellant(s)

Through: Mr. Rajiv Chargetra, Advocate

Vs

UT of J&K and others

..... Respondent(s)

Through: Mr. P.D Singh, Dy. AG for R-1 to 3.
Mr. Anshu Mahajan, Advocate for R- 4.

Coram: HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE

ORDER
01.07.2025

1. Through the medium of the instant petition filed under the provisions of Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as to BNSS for short), the petitioners have sought the quashment of the FIR bearing No. 0063/2024 dated 11.06.2024 registered with Police Station Channi Himmat under Sections 420,403,406 IPC, on the grounds mentioned in the petition. Since the petitioners have *inter alia* pleaded in the instant petition that they had earlier also filed a same nature of petition with the same prayer, which came to be withdrawn, as the mutual compromise attempted by the private parties did not materialize in the same. This Court as per its previous order dated 26.07.2024 has taken note of situation whereunder the petitioners being in custody at that point of time, were alleged to have executed a compromise deed and SHO concerned was directed to file a personal affidavit in this Court which he failed to file. The officer concerned is under a legal obligation to do the

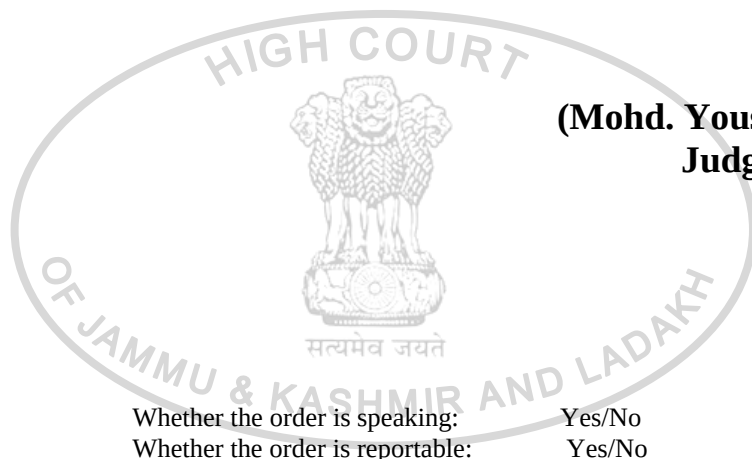
needful notwithstanding the change in the circumstances as the private parties have now amicably reached to a settlement.

2. The petitioners/accused and the respondent No. 4/complainant are reported to have executed a mutual compromise in respect of the dispute that had led to the registration of the case FIR sought to be quashed. A miscellaneous application bearing No. CrIM No. 758/2025 supported with an affidavit and enclosed with a copy of the said compromise, has also been filed with the prayer to take the same on record. The learned counsel for the petitioners and the respondent No. 4 in the open Court attested the contents of the said compromise. Their statements are taken on record.
3. Actually, the allegations as per the FIR sought to be quashed are that the respondent No. 4 subscribed to the group of committee run by the petitioner No. 1 as a Financer and in the process parted with an amount of Rs. 60 Lakhs as per the agreed scheme, under the promise of one time financial assistance but the petitioner No. 1 failed to stand by her promise and thereby cheated the respondent No. 4, in addition to committing the dishonest, misappropriation and criminal breach of trust in respect of the whole committee property.
4. It is submitted by the learned counsel for the respondent No. 4/complainant that the respondent No. 4 has received his entire agreed amount and nothing is outstanding now from the petitioners.
5. In the facts and circumstances of the case, this Court is of the opinion that it may meet the interest of justice, in case, the compromise is taken on record, the petition allowed, and the impugned FIR is quashed. It is the admitted case of the complainant/respondent No. 4 that he was having

some business terms with the petitioners who are known to him since times and as such the quashment of this FIR is likely to save the relation between the private parties. Furthermore, in the backdrop of the mutual compromise entered into between the private parties, the criminal case if allowed to go on under law is likely to end in acquittal of the petitioners/accused.

6. Allowing this petition as such will save the valuable time of the Courts below, being already “over burdened”.
7. Accordingly, the impugned FIR bearing No. 0063/2024 dated 11.06.2024 registered with Police Station, Channi Himmat, is quashed, with subsequent proceedings if any initiated.
8. ***Disposed of.***

Jammu
01.07.2025
Rahul



(Mohd. Yousuf Wani)
Judge

Whether the order is speaking:	Yes/No
Whether the order is reportable:	Yes/No