

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 864/2025

Shabeer Hussain & ors.

.... Petitioner/Appellant(s)

Through:- Mr. Waseem Akram Mir, Advocate

V/s

Union Territory of J&K & anr.

.....Respondent(s)

Through:- Mr. Eishaan Dadhichi, GA
Mr. Azmat Ullah Parihar, Advocate

CORAM : HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER
06.10.2025

01. Petitioners have invoked the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), seeking quashing of FIR No.0061/2025 dated 15.05.2025 under Sections 329(3), 115(2), 191(2), 126(2), 333 and 351(2) of BNS, 2023 registered with Police Station, Mendhar.

02. Learned counsel for the petitioners submits that during the pendency of the proceedings, an amicable settlement has been reached between the parties. In this regard, the petitioners and respondent No. 2 have executed a Compromise Deed dated 01.09.2025, copy whereof has been placed on record.

03. Brief facts of the case are that respondent No.2 has lodged FIR No. 0061/2025 dated 15.05.2025 under sections 329(3), 115(2), 191(2), 126(2), 333 and 351(2) of the BNS, 2023 registered by Police Station Mendhar against the petitioners due to some misunderstanding and misconception. The petitioners and the private respondent No.2 are having

no personal grudge against each other. Thereafter, the petitioners have also lodged an FIR No.0064/2025 dated 17.05.2025 against respondent No.2 and respondent No.2 has challenged the said FIR before this Court by way of CRM(M) No.444/2025 in which this Court in the first instance had directed the official respondent not to produce the Challan without the prior permission of this Court.

04. During the pendency of the said petition, the parties have entered into compromise and have placed the said Compromise Deed on record. In support of the Compromise Deed, the statements of the petitioners as well as respondent No. 2 have been recorded. Respondent No. 2 submits that he has executed a Compromise Deed dated 01.09.2025 with the petitioners and he has no grievance against them. He has further stated that he has no objection in case FIR No. 0061/2025 dated 15.05.2025 under Sections 329(3), 115(2), 191(2), 126(2), 333 and 351(2) of BNS, 2023 registered with Police Station, Mendhar, is quashed.

05. Perusal of the Compromise Deed reveals that the parties have settled the dispute amicably out of their own free will and without any external pressure or coercion.

06. Having heard learned counsel for the petitioners and to pursue quietus to the controversy and amicable settlement between the parties, no useful purpose would be served in continuation of this 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 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.”

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

10. In the present case 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 as the parties having specifically agreed that they have no objection if the said FIR, as stated above, is quashed.

11. 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 this case would be abuse of process of the Court.

12. In view of the aforesaid discussion as well as keeping in view the law laid down by the Hon'ble Apex Court, this petition is allowed and FIR No. 0061/2025 dated 15.05.2025 under Sections 329(3), 115(2), 191(2), 126(2), 333 and 351(2) of BNS, 2023 registered with Police Station, Mendhar is quashed.

13. This petition along with connected application(s), if any, stands **disposed of** as such.



(VINOD CHATTERJI KOUL)
Judge

JAMMU
RAM MURTI
06.10.2025