

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 917/2025

**Inzamam Ul Haq, S/o Javid Iqbal,
R/o Mankote Mendhar District Poonch.**

...Petitioner/Appellant(s)

Through:- Mr. Irfan Khan, Advocate
V/s

- 1. Union Territory of Jammu and Kashmir,
Through SHO Police Station,
Bahu Fort, Jammu**
- 2. Sher Mohd. S/o Rahim Ul Din
R/o Bilal Colony, GTB Nagar Bathindi, Jammu**

.....Respondent(s)

Through: Mr. Pawan Dev Singh, DyAG for R1
Mr. Vishal Mahajan, Advocate for R2

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

ORDER

15.10.2025

01. By way of this petition, the petitioners have invoked inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), seeking quashing of FIR No.143/2025 dated 05.05.2025 registered with Police Station Bahu Fort, Jammu and subsequent proceedings in Charge-Sheet No. 105/2025 dated 31.07.2025 pending before the Court of learned City Judge, Jammu, by which, the petitioner has been falsely implicated for the commission of offences under Sections 332(C), 115(2), 352, 191(2), 118(2), 238, 332(B) of Bharatiya Nyaya Sanhita, 2023.

02. The concise case of the petitioner is that he has lodged an FIR against the sons of complainant (respondent No.2) i.e., FIR No.93/2025 dated 21.03.2025 registered at Police Station Bahu Fort Jammu for

commission of offence under Sections 126(2), 117(2), 238 of Bharatiya Nyaya Sanhita 2023, however, Charge-sheet No. 33/2025 in case titled "*UT of J&K Vs Mohd Salinder & Ors*" has been presented before the Court of learned City Magistrate Jammu. It is averred that in order to counter the said FIR lodged by the petitioner, FIR No.143/2025 dated 05.05.2025 at Police Station Bahu Fort, Jammu, has been lodged by respondent No. 2 against the petitioner which ultimately culminated into Charge-sheet No.105/2025 dated 31.07.2025 and the case titled "*UT V/s Inzamam ul Haq.*" is pending adjudication before Court of learned City Magistrate, Jammu.

03. It is further averred that the impugned FIR was registered by respondent No.2 against the petitioner because of misunderstanding and misconception and the petitioner was also granted bail in the aforesaid case. During the pendency of the aforesaid litigation *inter se* the parties before the Trial Court, respondent No.2 has entered into an agreement by way of Compromise Deed dated 08.09.2025 with the petitioner for the purpose of settlement of all the disputes between them. Apart from Compromise Deed, both the parties with the intervention of their respective members of the society and family members, have been amicably sorted out the dispute and respondent No.2 has agreed not to contest/pursue the challan/charge sheet impugned in this petition against the petitioner.

04. Notice was issued in this petition on 19.09.2025 and this Court, directed the Registrar Judicial of this Court to record the statements of the petitioner and the private respondent. Statements of the petitioner and the private respondent have been recorded by the Registrar Judicial. The

petitioner and respondent No. 2 submit that the dispute between them has been amicably resolved in terms of the Compromise Deed dated 08.09.2025. Respondent No. 2 submits that he does not want to pursue the above mentioned FIR and consequent Final report/charge sheet and he has no objection in case the same are quashed.

05. This issue regarding quashing of proceedings arising out of matrimonial dispute on the ground of settlement/compromise is to be encouraged by this Court to put an end to all disputes as held in **B. S. Joshi & ors. vs. State of Haryana & anr., (2003) 4 SCC 675** and **Yashpal Chaudhrani & ors. State (Govt. of NCT Delhi) & anr. 2019 SCC Online Del 8179**.

06. In **Jitendra Raghuvanshi & ors. vs. Babita Raghuvanshi & anr., 2013 0 Supreme (SC) 247**, the Hon'ble Apex Court has held in Para 12 as under:

“12. In our view, it is the duty of the Courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the Court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.”

07. Having heard learned counsel for the parties 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.”

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

09. In the present case also, the offences alleged against the petitioner 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 FIR as well as charge-sheet pending as stated above are quashed.

10. 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.

11. 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.143/2025 dated 05.05.2025 registered with Police Station Bahu Fort, Jammu and subsequent proceedings in Charge-Sheet No. 105/2025 dated 31.07.2025 pending before the Court of learned City Judge, Jammu, by which, the petitioner has been falsely implicated for the commission of offences under Sections 332(C), 115(2), 352, 191(2), 118(2), 238, 332(B) of Bharatiya Nyaya Sanhita, 2023, are quashed.

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

(VINOD CHATTERJI KOUL)
JUDGE

JAMMU
15.10.2025
RAM MURTI