

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

CRM(M) No.932/2024
CrIM No.1899/2024

Ram Lal, Aged 55 years
S/O Sh. Sarda Ram R/O Gurah
Brahamana, Tehsil & Distt. Jammu

.....Petitioner(s)

Through: Ms Deepali Arora, Advocate.

vs

1. Union Territory of Jammu & Kashmir
through Senior Superintendent of Police,
Jammu.
2. Station House Officer, Police Station,
Domana.
3. Ramesh Kumar S/O Sh. Isher Dass
R/O Khour, Tehsil Akhnoor, Distt. Jammu.

..... Respondent(s)

Through: Mr. Pawan Dev Singh, Dy. AG.
Mr. Rakesh Kumar Dogra, Advocate.

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

JUDGMENT

21.05.2025

1. Inherent jurisdiction of this Court under Section 482 Cr.P.C. read with Section 528 BNSS 2023 is being invoked by the petitioner for quashment of FIR No.172/08 dated 29.06.2008 under Sections 382/447/427, 147 RPC lodged by respondent No.3/complainant with respondent No.2 against the petitioner/accused.
2. The parties are stated to have entered into a compromise and settled their disputes and differences, whereunder the impugned FIR had been got registered at the instance of respondent No.3/complainant against the petitioner/accused and consequently, a compromise deed is placed on record of the instant petition.
3. In view of the compromise, so arrived at between the parties, the petitioner/accused as also the respondent No.3/complainant in terms of

order dated 16.05.2025 were directed to appear before the Registrar Judicial for recording their statements in support of the deed of compromise. Their statements have been recorded on 16.05.2025, wherein the petitioner/accused, namely, Ram Lal has stated that he being the attorney holder of Nissar Ahmed, Ramesh Kumar (respondent No.3/complainant) lodged FIR No.172/2008 on 29.06.2008 at Police Station Domana, Jammu against him, for offences under Sections 382, 447, 427 and 147 RPC. Now, the said dispute has amicably been resolved by a compromise agreement dated 09.04.2021.

4. Petitioner/accused further prayed that FIR No.172/2008 dated 29.06.2008 registered at Police Station Domana, Jammu against him for offences under Sections 382, 447, 427 and 147 RPC be quashed, in view of the compromise reached between the petitioner and respondent No.3. Similarly, respondent No.3/complainant, namely, Ramesh Kumar also stated that he has entered into a compromise with Nissar Ahmed. Further, he has no grievance against Ram Lal (petitioner/accused) and he does not wish to pursue the above mentioned FIR and submitted that he has no objection in case FIR No.172/2008 dated 29.06.2008 registered at Police Station Domana Jammu for offences punishable under Sections 382, 447, 427 and 147 RPC is quashed.
5. Learned counsel appearing on behalf of respondents have chosen not to file their objections and submitted that the instant petition can be disposed of in view of the compromise arrived at between the petitioner and respondent No.3. Mr. P. D. Singh, learned Dy. AG, submits that in view of the compromise between the parties in civil cases pending before Civil Courts and other criminal cases registered vide FIR Nos.250/2008, 175/2008 and

192/2009 of Police Station Domana, the instant case registered vide subject FIR has been closed as not admitted vide Final Report No.95/2022 dated 27.12.2022 and produced Status Report dated 21.05.2025 by the SHO of concerned Police Station, which is taken on record.

6. Heard learned counsel for the parties and perused the record.
7. Petitioners/accused pleaded following facts:
 - a) That, petitioner was the attorney holder of one Nissar Ahmed S/o Mir Hussain R/o Nanak Nagar, Jammu. Said Nissar Ahmed owned land measuring 21 marlas comprising Khasra No.95/1 of village Gurah Brahamana along with brother Mushtaq Ahmed, who are equal share holders of the land i.e. 10 marla each.
 - b) That, respondent No.3 namely Ramesh Kumar had purchased the land. Thereafter, some dispute has been arisen between the said Nissar Ahmed as well as respondent No.3. Said Nissar Ahmed appointed the petitioner as his lawful attorney to look after and manage all the affairs of the said land. Respondent No.3 without any rhyme or reason started interfering into the said land which compelled the said Nissar Ahmed to file suit for permanent prohibitory injunction against Ramesh Kumar (respondent No.3) as well as his associates before the court of learned City Judge Jammu but the same was withdraw by the petitioner on the basis of compromise entered into between them.
 - c) That, during the currency of said dispute, respondent No.3 with a view to wreck vengeance towards the petitioner, lodged FIR No.172/08 against the petitioner under Sections 382/447/427, 147 RPC with Police Station Domana, Jammu.
 - d) That, during the pendency of litigation pending between the parties, i.e. petitioner as well as respondent No.3, an amicable settlement/compromise was arrived at between them which was culminated into writing vide Compromise Agreement dated 09.04.2021 whereby it has been decided by the petitioner and respondent No.3 that they shall withdraw all their respective litigations filed by them against

each other before Civil Court, Tribunal, High Court as well as before the concerned police.

8. A question, in view of the aforesaid factual position, has arisen as to whether this Court has power to quash the proceedings, particularly when some of the offences alleged to have been committed by the petitioner, are non-compoundable in nature. Offences punishable under sections 427 and 447 RPC are compoundable between accused and the complainant, whereas offences punishable under sections 147 and 382 RPC are not compoundable. All the offences are, however, entirely personal and private in nature.

9. In a case titled, “**Gian Singh Vs. State of Punjab and Another**” reported in **2012 (10) SCC 303**”, while considering the aspect of whether the High Court has power to quash the proceedings when some of the offences alleged to have been committed are non-compoundable in nature, the Apex Court has observed as follows:

“57. The position that emerges from the above discussion can be summarised thus:

the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under [Section 320](#) of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz;

(i) to secure the ends of justice or

(ii) to prevent abuse of the process of any Court.

In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed.

However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like [Prevention of Corruption Act](#) or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding”.

10. The ratio of judgment of Gian Singh's case (supra) makes the legal proposition abundantly clear that the High Court has inherent powers under Section 482 Cr.P.C. to quash the proceedings to meet the ends of justice if the parties have settled their disputes amicably by a compromise. Especially the offences of which petitioner is charged are personal and private between the parties. Thus, in view of the amicable settlement between the parties, the possibility of conviction of the petitioner herein is remote and bleak and continuation of criminal case rather would put the petitioner to great oppression and extreme injustice despite full and complete settlement and compromise having been arrived at with respondent No.3 and further continuation of the proceedings arising out of the FIR in question would be unfair and contrary to the interests of justice and in essence, would amount to abuse of process of law.
11. For the reasons discussed hereinabove, the instant petition is allowed and the FIR No.172/08 dated 29.06.2008 registered with Police Station Domana, against the petitioner for the commission of offences punishable under Sections 382, 447, 427 and 147 RPC, in view of compromise arrived at between the parties, is hereby ordered to be quashed.
12. Petition along with pending application(s), is thus disposed of, accordingly

(M A Chowdhary)
Judge

Jammu
21.05.2025
Narinder

Whether the order is speaking: Yes
Whether the order is reportable: Yes