

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

CRMC No. 492/2018

CrIM No.130/2020

IA No.1/2018

c/w

CRM(M) No.24/2023

CrIM No.33/2023

Jagdish Kumar, aged 50 years,
S/O Sri Sita Ram,
R/O Village Nalla Ghouran,
Tehsil Ram Nagar,
District Udhampur

.....Petitioner

Through: Mr. H. R. Qureshi, Advocate.

Vs.

1. State of J&K through
Commissioner-Cum Secretary to Government,
Home Department, Civil Secretariat, Srinagar (Kashmir).
2. Senior Superintendent of Police, Udhampur.
3. Station House Officer,
Police Station, Basantgarh.
4. Addl. District Development Commissioner, Udhampur.
5. Assistant Commissioner (Revenue), Udhampur.
6. Tehsildar, Basantgarh, District Udhampur.
7. Ranoo, W/O Shri Kartar Singh
R/O Basantgarh Tehsil Basantgarh,
District Udhampur.

.....Respondents

Through: Mr. Sumeet Bhatia, GA.
Mr. Achal Sharma, Adv.

Bhim Sen, aged 57 years,
S/O Kanahya,
R/O Chappar, Tehsil Latti Masothi,
District Udhmapur.

.....Petitioner

Through: Mr. H. R. Qureshi, Adv.

Vs.

1. Union Territory of J&K through
SSP Udhampur.
2. SHO, Police Station Basantgarh,
District Udhmapur.
3. Ranoo,
W/O Shri Kartar Singh
R/O Basantgarh,
Tehsil Basantgarh,
District Udhampur.

....Respondents

Through: Mr. Sumeet Bhatia, GA.
Mr. Achal Sharma, Advocate.

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

ORDER
(06.08.2025)

01. Through the medium of this order, it is proposed to dispose of these two petitions which have been filed, invoking inherent jurisdiction, under Sections 561-A of the Code of Criminal Procedure (J&K) and 482 of the Central CrPC, respectively.

02. The relief sought for by the petitioner in CRMC No.492/2018 is the quashing of FIR No.10 of 2018 registered at Police Station Basantgarh, Udhampur, on 02.05.2018 against the petitioner for the commission of offences punishable under Sections 420, 467, 468, 471 RPC, at the instance of private respondent No.7, namely, Ranoo. Additionally, the petitioner has also sought a direction to respondent No.5 i.e., Assistant Commissioner (Revenue), Udhampur, to conduct fresh inquiry in the matter.

03. The facts in brief as mentioned in CRMC No. 492/2018, are that at the time of alleged occurrence of tampering the revenue record, the petitioner was discharging his duties as Girdawar in the Revenue Department at Basantgarh. The issue pertains to land falling under Khasra Nos.312, 730, 747, 748, 749, 750, 751, 752, 754, 782, 784, 785, 317, 73, 740 of one Harwa S/O Johar R/O

Basantgarh who had three daughters, namely, Ranoo, Gorro and Guddi. It is contended that prior to attestation of Mutation No.1136/2002 dated 30.11.2002, the names of Ranoo and Guddi was existing in the KhasraGirdawari Register (Kharief 2000) but after the correction of records vide Mutation No.1136/2002 dated 30.11.2002, the name of Gorro W/O Parmi-KhanaDamad of Harwa, has been carried on uptoKharief 2011. The correction which was carried out, treated as an offence in the complaint of respondent No.7. It is contended that the correction was made strictly in accordance with the mutation No.1136/2002 and there is no undue benefit or any ill-will while making the corrections. It is further contended that the complaint has been made by respondent No.7 who was not in any manner entitled for the land in question and as per the revenue record, the sister of respondent No.7, namely, Goroo through her husband-Parimi is a 'khanaDamad' qua the land in question and the Tehsildar concerned without verifying the revenue records filed complaint for registration of FIR and in pursuance thereof, FIR No.10 of 2018, has been registered against the petitioner, at Police Station, Basantgarh.

04. Petitioner in CRM(M) No.24/2023, also challenged and seeks quashment of the FIR No.10/2018, impugned in the CRMC No.492/2018, stating that while discharging his duties as Patwari in the Revenue Department, he was accused by the complainant/private respondent to have cheated and forged the revenue record which is subject matter of the impugned FIR in both the petitions and that he has been falsely implicated.

05. Learned counsel for the parties jointly submitted that the petitioners and the private respondent have amicably settled their disputes and issues between them, and the petitioner by way of CrIM No.1819/2023 had sought permission

of this court to place the compromise deed dated 18.07.2023 on record and in terms of order dated 07.06.2024, the same was ordered to be taken on record.

06. It is also submitted that complying with the direction dated 02.03.2024 passed by the coordinate Bench of this Court, the complainant/private respondent had recorded her statement before the learned Registrar Judicial of this Court on 07.03.2024.

07. The statement so made by the complainant/private respondent, on being examined by the learned Registrar Judicial, indicates that the private respondent had amicably resolved all the disputes and issues with the petitioners of both the petitions in hand with regard to FIR No.10/2018 registered with Police Station, Basantgarh. The private respondent has further stated that she has no grievance against the petitioners and by way of her statement had stated 'no objection' to the plea of quashing the FIR in question.

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

09. A perusal of the compromise deed, executed on 18.07.2023, 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. An affidavit in support of the compromise between the parties is also annexed with the compromise deed. It is stated in the compromise deed by the complainant-respondent No.7 in CRMC No.492/2018 and respondent No.3 in CRM(M) No.24/2023, that she did not know Urdu language and in the year 2018 made a complaint against the petitioners, for wrong entries due to a misconception, in understanding the revenue record of the land in question. It is further stated that on examination, the revenue record/entries were found to be correct as per her possession, assessment as well as previous revenue record.

10. So far as the facts alleged in petition pertaining to the compromise arrived at between the parties in terms of compromise deed executed on 18.07.2023, are concerned, the same are not disputed. It is also relevant to point out that the averments in the FIR disclosed the offences punishable under Sections 420, 467, 468, 471 RPC. However, according to the parties, most of the offences of which accused/petitioners have been charged are non-compoundable. In the backdrop of this position, the question arises as to whether this Court has power to quash the proceedings, particularly when some of the offences alleged to have been committed are non-compoundable in nature.

11. Hon'ble the Supreme Court in a case titled "Jayrajsinh Digvijaysinh Rana vs. State of Gujarat & Anr.", reported in 2012 (12) SCC 401, while considering this aspect has observed as follows:

“7) The only question for consideration before this Court at this stage is that inasmuch as all those offences are not compoundable offences under Section 320 of the Code (except Section 420 of Indian Penal Code that too with the permission of the Court before which any prosecution for such offence is pending), whether it would be possible to quash the FIR by the High Court under Section 482 of the Code or by this Court exercising jurisdiction under Article 136 of the Constitution of India?

8) The above question was recently considered by this Court in *Shiji @ Pappu & Ors. vs. Radhika & Anr.* (2011) 10 SCC 705. The question posed in that case was “Whether the criminal proceedings in question could be quashed in the facts and circumstances of the case having regard to the settlement that the parties had arrived at.” After advertent to Section 482 of the Code and various decisions, this Court concluded as under:

“17. It is manifest that simply because an offence is not compoundable under Section 320 Criminal Procedure Code is by itself no reason for the High Court to refuse exercise of its power under Section 482 Criminal Procedure Code. That power can in our opinion be exercised in cases where there is no chance of recording a conviction against the accused and the entire exercise of a trial is destined to be an exercise in futility. There is a subtle distinction between compounding of offences by the parties before the trial court or in appeal on the one hand and the exercise of power by the High Court to quash the prosecution under Section 482 Criminal Procedure Code on the other. While a court trying an accused or hearing an appeal against conviction, may not be competent to permit compounding of an offence based on a settlement arrived at between the parties in cases where the offences are not compoundable under Section 320, the High Court may quash the prosecution even in cases where the offences with which the accused stand charged are non-compoundable. The inherent powers of the High Court under Section 482 Criminal Procedure Code are not for that purpose controlled by Section 320 Criminal Procedure Code.

18. Having said so, we must hasten to add that the plenitude of the power under Section 482 Criminal Procedure Code by itself, makes it obligatory for the High Court to exercise the same with utmost care and caution. The width and the nature of the power itself demands that its exercise is sparing and only in cases where the High Court is, for reasons to be recorded, of the clear view that continuance of the prosecution would be nothing but an abuse of the process of law. It is neither necessary nor proper for us to enumerate the situations in which the exercise of power under Section 482 may be

justified. All that we need to say is that the exercise of power must be for securing the ends of justice and only in cases where refusal to exercise that power may result in the abuse of the process of law. The High Court may be justified in declining interference if it is called upon to appreciate evidence for it cannot assume the role of an appellate court while dealing with a petition under Section 482 of the Criminal Procedure Code. Subject to the above, the High Court will have to consider the facts and circumstances of each case to determine whether it is a fit case in which the inherent powers may be invoked.”

13. From a perusal of the aforesaid observations of the Supreme Court, it is clear that in the cases or disputes which have predominantly civil flavour and where the wrong is basically private or personal in nature and the parties have resolved their entire dispute, the High Court is well within its jurisdiction to quash the criminal proceedings, if it is known that because of the compromise arrived at between the parties, there is remote possibility of securing conviction of the accused. In fact, in such cases, the Supreme Court has clearly observed that it would amount to extreme injustice, if despite settlement having been arrived at by the parties, the criminal proceedings are allowed to continue.

14. Adverting to the facts of the instant case, 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 merely because the offences alleged against the accused are non-compoundable in nature, 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

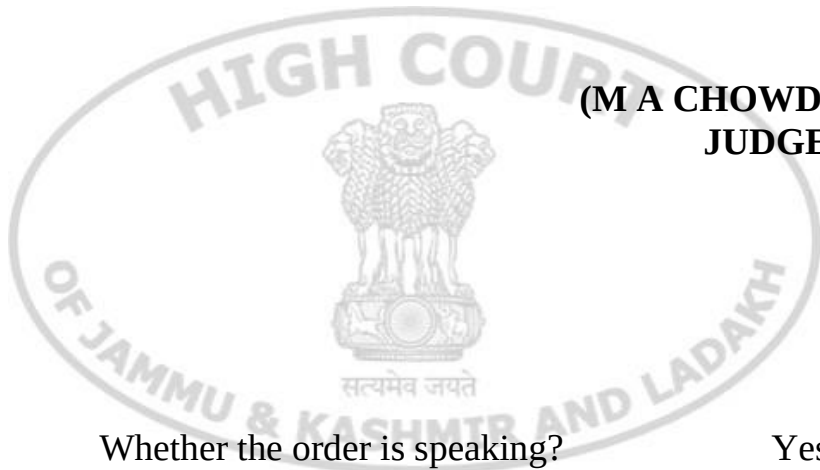
petitioners, in these circumstances, will be nothing but an abuse of process of law.

15. In view of the aforesaid discussion and having regard to the private civil dispute, both the petitions are disposed of in view of the compromise reached between the contesting parties. As a result, FIR No.10/2018 registered at Police Station, Basantgarh, Udhampur, for offences punishable under Sections 420, 467, 468, 471 RPC, is hereby quashed.

16. Both the petitions, along with pending application(s) are, accordingly, disposed of.

17. Copy of this Judgment shall be placed on the connected file as well.

JAMMU
06.08.2025
Surinder



Whether the order is speaking?
Whether the order is reportable?

Yes/No
Yes/No