

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM(M) n. 652/2024

Mahapara Akhter another

...Appellant(s)/Petitioner(s)

Through: Mr. Sheikh Manzoor, Advocate

Vs.

State House Office Police Station Kupwara and
others

...Respondent(s)

Through: Mr. Faheem Shah, GA
Mr. Mir Umar, Advocate

CORAM:

HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL-JUDGE

ORDER

26.12.2025

Petitioners seek quashment of FIR No. 0200 dated 01.09.2024 for the offences punishable under Section 87 BNS r/w Section 49 BNS registered at Police Station, Kupwara. The petitioners seek quashing and setting aside of FIR precisely on the following grounds:

“.. that the impugned FIR has been registered by the concerned police station against the petitioner no. 2 without any basis as the petitioner no. 1 is a major having attained the age of majority which is required for contracting marriage under law of the land and has voluntarily married petitioner no. 2 which was initially to the disliking of the parents of the petitioner no. 1 especially father of the petitioner no. 1. However, subsequently the parents of the petitioner no. 1 have also extended their full support and cooperation to the marriage executed by the petitioners.

That the petitioner no. 1, has neither been kidnapped nor abducted by petitioner no. 2 as she has out of her own free will and consent married petitioner no. 2 in accordance with the law laid down by the Hon'ble Supreme Court in case titled Lata Singh V/s State of UP and others. Wherein it has been held that protection may be accorded to those who undergoes inter-caste

or inter-religious marriage. Further the Hon'ble Supreme Court has observed to initiate proceedings against those who are found to cause harassment to the married couple and has held that if the parents of boy or girl do not approve of such inter-caste or inter-religious marriage, the maximum they can do is, that they can cut social relations with the son or the daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such inter-caste or inter-religious marriage.

In terms of this court order dated 06.05.2025, parties were directed to record their statement before the Registrar judicial of the Court. Statement in terms of aforesaid order has been recorded wherein the petitioner no. 1 has stated that she had entered wedlock with petitioner no. 2, out of her own free will, consent and without any coercion, but to the dissatisfaction of her parents. In the statement record by her she has stated that she has neither been kidnapped nor abducted by the petitioner no. 2. It is the respondent no. 3 who has filed false and frivolous complaint against the petitioner no. 2 which resulted in the registration of an FIR. She stated in the statement that she is living happy and peaceful matrimonial life with petitioner no. 2 and do not want any interference/harassment from anyone whosoever in her martial life and seeks quashment of the relevant FIR.

1. In the above backdrop, it would be appropriate to state that provisions of Section 482 of Cr.P.C. provide for exercise of inherent powers by the High Court, which is noticed hereunder:

“482. Saving of inherent powers of High Court. —
Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”

2. Exercise of inherent powers under Section 482 Cr.P.C. (now 528 BNSS), thus, envisages three circumstances in which inherent jurisdiction may be exercised, namely, (i) to give effect to an order

under the Code; (ii) to prevent abuse of the process of court; and (iii) to otherwise secure the ends of justice.

3. It is well settled that inherent jurisdiction under Section 482 Cr.P.C. is designed to achieve a salutary purpose and that criminal proceedings ought not to be permitted to degenerate into a weapon of harassment. When the Court is satisfied that criminal proceedings amount to an abuse of process of law or that it amounts to bringing pressure upon accused, in exercise of the inherent powers such proceedings can be quashed.
4. It is not a dispute that the case on hand subsequent to the registration of FIR lodged against petitioner no.2 have arrived at amicable settlement. In such circumstances pendency of criminal proceedings before Trial court or for that matter any other proceeding/case(s) of like nature before any other Court/Forum, amounts to abuse of process of law and in order to serve interests of justice, exercise of inherent powers in terms of Section 482 Cr.P.C. is imperative.
5. In regard to quashing of FIR on the basis of an amicable settlement in respect of a cognizable and non-compoundable offence, law is no more *res integra* and stands settled by a series of judgments passed by the Apex Court including in case titled as ***Gold Quest International Pvt. Limited v. The State of Tamil Nadu and others*** reported in **2014 (15) SCC 235** and the relevant paragraphs are reproduced hereunder:-

“7. In Gian Singh vs. State of Punjab & Anr. (2012) 10 SCC 303, judgments in B.S. Joshi (supra) and Nikhil Merchant (supra) were considered by a three-Judge Bench of this Court and it has found that the view taken in aforesaid two cases by this Court is correct. Relevant paragraphs of the judgment in Gian Singh (supra) read as follows:

‘57. Quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence. They are different and not interchangeable. Strictly speaking, the power of compounding of offences given to a court under Section 320 is materially different from the quashing of criminal proceedings by the High Court in exercise of its inherent jurisdiction. In compounding of offences, power of a criminal court is circumscribed by the provisions contained in Section 320 and the

court is guided solely and squarely thereby while, on the other hand, the formation of opinion by the High Court for quashing a criminal offence or criminal proceeding or criminal complaint is guided by the material on record as to whether the ends of justice would justify such exercise of power although the ultimate consequence may be acquittal or dismissal of indictment.

59. B.S. Joshi [(2003) 4 SCC 675], Nikhil Merchant [(2008) 9 SCC 677], Manoj Sharma [(2008) 16 SCC 1 and Shiji [(2011) 10 SCC 705] do illustrate the principle that the High Court may quash criminal proceedings or FIR or complaint in exercise of its inherent power under Section 482 of the Code and Section 320 does not limit or affect the powers of the High Court under Section 482. Can it be said that by quashing criminal proceedings in B.S. Joshi, Nikhil Merchant, Manoj Sharma and Shiji this Court has compounded the non-compoundable offences indirectly ? We do not think so. There does exist the distinction between compounding of an offence under Section 320 and quashing of a criminal case by the High Court in exercise of inherent power under Section 482. The two powers are distinct and different although the ultimate consequence may be the same viz. acquittal of the accused or dismissal of indictment.

61. The position that emerges from the above discussion can be summarized 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 FIR may be exercised where the offender and the 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 a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the 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 predominately civil flavour stand on a 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, the High Court may quash the criminal

proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the 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 the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings.'

8. *In view of the principle laid down by this Court in the aforesaid cases, we are of the view in the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become clear that there are no chances of conviction, there is no illegality in quashing the proceedings under Section 482 Cr.P.C. read with Article 226 of the Constitution. However, the same would not apply where the nature of offence is very serious like rape, murder, robbery, dacoity, cases under Prevention of Corruption Act, cases under Narcotic Drugs and Psychotropic Substances Act and other similar kind of offences in which punishment of life imprisonment or death can be awarded. After considering the facts and circumstances of the present case, we are of the view that learned Single Judge did not commit any error of law in quashing the FIR after not only the complainant and the appellant settled their money dispute but also the other alleged sufferers entered into an agreement with the appellant, and as such, they too settled their claims."*

6. Hon'ble Apex Court further in case titled as ***Madhukar and others v. The State of Maharashtra and another*** being ***SLP (Crl.) No. 7212 of 2025*** decided on 14.07.2025 has held that the continuation of the trial would not serve any meaningful purpose where parties have compromised and it would only prolong distress for all concerned, and that the burden on the Courts without the likelihood of a productive outcome and that the continuation of the criminal proceedings would serve no useful purpose and would only amount to abuse of process.

7. In light of aforesaid legal position, besides the parties have already settled their dispute outside the Court, this Court thinks it appropriate to allow instant petition as continuance of proceedings before Trial Court would be sheer abuse of process of law, therefore, the instant petition deserves to be allowed.
8. Based on the all-inclusive consideration of the facts and circumstances summed up in foregoing paragraphs, exercise of jurisdiction under Section 482 Cr.P.C. seemingly is warranted. Hence, the instant petition is ***allowed***. FIR No. 0200 dated 01.09.2024 for the offences punishable under Section 87 BNS r/w Section 49 BNS, registered at Police Station, Kupwara, is quashed as also the proceedings emanated therefrom.
9. **Disposed of.**

(VINOD CHATTERJI KOUL)
JUDGE

Srinagar
26.12.2025.
"Imtiyaz"