

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

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**CRM(M) No. 181/2026
CrIM No. 334/2026**

Dr. Vijay Thapa

Through: Mr. Mohinder Singh, Advocate

Vs.

UT of J&K and anr.

Through: Mr. Vishal Bharti, Dy. AG for R-1.
Mr. Vishal Mahajan, Advocate for R-2

CORAM: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

**ORDER (ORAL)
27.02.2026**

- 1 The petitioner has invoked the jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of FIR No. 0152/2025 dated 28.09.2025 registered at Police Station, Bari Brahmana for commission of offences under Sections 74 and 127(2) of the Bharatiya Nyaya Sanhita, at the instance of respondent No. 2, and all consequential proceedings arising therefrom, including the charge sheet pending before the Court of learned Addl. Special Mobile Magistrate, Samba. The quashing of the challan is sought on the ground that the dispute between the parties has been amicably settled.
- 2 The petitioner is stated to be a Doctor by profession, whereas respondent No. 2/complainant was working in his private clinic. It is submitted that the parties have amicably resolved their disputes outside the Court. A

copy of the compromise deed evidencing settlement of all disputes between the petitioner and respondent No. 2 has been placed on record. The statements of the petitioner as well as respondent No. 2 were recorded before the Registrar Judicial today i.e. 27.02.2026. Respondent No. 2, in her statement, has stated that all disputes and issues arising out of the aforesaid FIR stand resolved and that she has no objection if FIR No. 0152/2025 and the charge sheet are quashed. The petitioner, in his statement recorded today, has also prayed for quashing of the impugned FIR and consequent charge sheet in view of the amicable settlement.

3 Mr. Vishal Bharti, learned Dy. AG, submits that since the parties have amicably resolved the dispute, no fruitful purpose would be served by permitting the criminal proceedings to continue.

4 Heard learned counsel for the parties and perused the record.

5 The question that arises for consideration before this Court is whether criminal proceedings arising out of an offence under Section 74 of the BNS (Section 354 IPC), which is otherwise non-compoundable, can be quashed in exercise of inherent jurisdiction on the basis of a compromise arrived at between the parties.

6 The Hon'ble Supreme Court in **Shiji @ Pappu and others v. Radhika and another**, AIR 2012 SC 499 while dealing with offences under Sections 354 and 506 IPC, has held that notwithstanding the non-compoundable nature of such offences, the High Court is not denuded of its powers under Section 482 Cr.P.C. (now Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023) to quash the proceedings, provided the dispute is essentially private in nature and has been amicably settled. The

Supreme Court observed that continuation of criminal proceedings in such circumstances would amount to an abuse of the process of the Court.

7 Further, in **Gian Singh v. State of Punjab and another**, AIR 2012 SC (CRI) 1796, the Hon'ble Supreme Court has authoritatively held that criminal proceedings arising out of personal or private disputes may be quashed by the High Court in exercise of its inherent powers, even if the offences are non-compoundable, provided they are not heinous in nature, do not have a serious impact on society at large, and do not involve offences against the State or having serious moral turpitude.

8 Applying the aforesaid principles to the facts of the present case, it is evident that the dispute between the petitioner and respondent No. 2 arises out of their professional association and is essentially personal in nature. Respondent No. 2 has unequivocally stated, both in the compromise deed and in her statement recorded before the Registrar Judicial, that she has settled all disputes with the petitioner and has no objection to the quashing of the FIR and the consequential challan. There is nothing on record to indicate that the alleged offence has any grave societal impact or that continuation of the proceedings would serve any larger public interest.

9 In the considered opinion of this Court, continuation of the criminal proceedings, despite the amicable settlement between the parties, would serve no useful purpose and would amount to an abuse of the process of law.

- 10 In view of the foregoing discussion and in light of the law laid down by the Hon'ble Supreme Court, the present petition is allowed. Consequently, FIR No. 0152/2025 dated 28.09.2025 registered at Police Station, Bari Brahmana for offences under Sections 74 and 127(2) of the Bharatiya Nyaya Sanhita, alongwith all consequential proceedings arising therefrom, including the charge sheet pending before the Court of learned Addl. Special Mobile Magistrate, Samba, are hereby quashed.
- 11 Disposed of.

(RAJNESH OSWAL)
JUDGE

Jammu
27 .02.2026
Karam Chand/Secy.

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No

