

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

CRM(M) No. 526/2026

Pronounced on : 13.07.2026

Uploaded on : 14.07.2026

1. Rahul Sharma,
S/O Darshan Lal
R/O Bank Colony, Top-Paloura,
Jammu, J&K.
2. Suman Kumari,
W/O Darshan Lal,
R/O Bank Colony, Top-Paloura,
Jammu, J&K.
3. Darshan Lal,
S/O Durga Dass,
R/O Bank Colony, Top-Paloura,
Jammu, J&K.

....Petitioners

Through:-

Mr. Rohan Nanda, Advocate.

V/S

1. UT of J&K
Incharge Police Station, Janipur,
J&K.
2. Meenakshi Sharma
W/O Rahul Sharma
R/O Bank Colony, Top-Paloura,
Jammu, J&K.

.....Respondents

Through:-

Mr. P.D Singh, Dy. AG.

Mr. Ritesh Mahajan, Advocate.

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

ORDER
13.07.2026

1. This petition has been filed by the petitioners under Section 528 of BNSS, 2023, seeking quashment of chargesheet No. 43/2023 arising out of FIR No. 41/2023 under sections 498-A, 342, 323 IPC registered at Police Station, Janipur, Jammu.

2. It is stated by learned counsel for the petitioners and the learned counsel appearing for respondent No. 2 that the parties have compromised with each other and pray that the petition be allowed. The statements of petitioner No 3-Darshan Lal, father of petitioner No. 1 and respondent No. 2-Meenakshi Sharma have been recorded by the learned Registrar Judicial. The same are taken on record.
3. Learned counsel for the petitioners, as accused and respondent No. 2 as complainant, have stated at the Bar that in view of compromise reached between the parties and supported by them in their cross-examination before this Court, the petition be allowed, and the charge-sheet be quashed. Mr. Pawan Dev Singh, learned Dy. AG appearing for the respondent No. 1-UT of J&K has raised no serious objection to the plea raised by the learned counsel for the parties.
4. The scope of powers exercisable by the High Court in its inherent jurisdiction under Section 528 of BNSS, 2023 is no longer res integra. The Apex Court in the case reported as B.S. Joshi & Ors. vs. State of Haryana & Anr., **2003 Cri.L.J. 2028**, has held as under:-

“14. There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counter productive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XXA of Indian Penal Code.

15. In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code.”

5. The aforesaid view of the Apex Court in the judgment (supra) has subsequently been reiterated in another judgment titled as Narinder Singh & Ors. vs. State of Punjab & Anr., **2014(6) SCC 466**.
6. In view of the law laid down by the Apex Court in the aforementioned cases and in view of the statements having been made by the parties that they have entered into a compromise, the prosecution in the case would serve no fruitful purpose, as it would ultimately be farce/mock trial, for the purpose of conclusion by asking both the sides to undergo the mill of leading evidence. In these circumstances, it would be an abuse of process, as such, quashing of the chargesheet would secure the ends of justice.
7. Viewed thus, the present petition is allowed. Impugned chargesheet No. 43/2023 arising out of FIR No. 41/2023 under sections 498-A, 342, 323 IPC registered at Police Station, Janipur, Jammu alongwith consequential proceedings before the trial Court is quashed.
8. The petition is, thus, disposed of as **allowed** alongwith application(s).

(M A CHOWDHARY)
JUDGE

JAMMU
13.07.2026
Naresh/Secy.

Whether the order is speaking: **Yes**

Whether the order is reportable: **Yes**