

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

Case:- CRM(M) No. 518/2023
CrlM No. 667/2024
CrlM No. 985/2023

1. Arshid Ahmed Najar, S/o Late Gh. Mohd Najar,
R/o Village Channar Bankote, Tehsil Banihar, District
Ramban
2. Manzoor Ahmed Najar, S/o Late Gh Mohd Najar,
R/o Village Channar Bankote, Tehsil Banihar, District
Ramban.
3. Asgar Ahmed Nagar, S/o Late Gh. Mohd Najar,
R/o Village Channar Bankote, Tehsil Banihar, District
Ramban
4. Vikar Najar S/o Rashid Ahmed, R/o Village Channar
Bankote, Tehsil Banihar, District Ramban.
5. Rashid Ahmed Nagar, S/o Late Mohd Saleem Najar,
R/o Village Channar Bankote, Tehsil Banihar,
District Ramban.
6. Mst. Nargis Begum W/o Asgar Ahmed Nagar,
R/o Village Channar Bankote, Tehsil Banihar, District
Ramban.
7. Mst. Masrat Begum W/o Aijaz Ahmed, R/o Village
Channar Bankote, Tehsil Banihar, District Ramban.
8. Mst. Afroza Begum W/o Manzoor Ahmed Najar,
R/o Village Channar Bankote, Tehsil Banihar, District
Ramban.
9. Mohd Isaq Najar, S/o Late Mohd Gaffar Najar,
R/o Village Channar Bankote, Tehsil Banihar, District
Ramban.

.....Petitioner(s)

Through: Mr. R K S Thakur, Advocate

Vs

1. UT of J&K, through SHO Police Station, Banihal.
2. Nadeem Shamas Wani W/o Shamas Din Wani, R/o
Village Kharpora, Tehsil Banihal, District Ramban.

..... Respondent(s)

Through: Mr. Akil Wani, Advocate for R-2

Coram: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

JUDGMENT
(22.09.2026)

01. Through the medium of instant petition, filed under Section 482 Cr.PC (akin to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023), the petitioners are seeking to quash FIR No.0104/2023 dated 30.04.2023 for commission of offences under Sections 382, 323, 147, 342, 504 & 506 IPC, registered against them at Police Station, Banihal.

BRIEF FACTS

02. Briefly stated, the petitioners are closely related to each other and are residents of Mohra Channar, Revenue Village Bankot, Tehsil Banihal, District Ramban, where they own agricultural and other immovable properties. The Government of India, through the Railway Department, is constructing the Katra-Banihal railway line through IRCON International Ltd., including Tunnel T-77D and Approach Tunnel T-77 AP-2, the work whereof has been sub-contracted to ABCI Infrastructure Pvt. Ltd. The village of Mohra Channar, comprising about 100 households, is situated below the said approach tunnel. ABCI Infrastructure Pvt. Ltd. established a batching plant pursuant to the consent granted by the J&K Pollution Control Board on 08.02.2021, but allegedly failed to comply with the applicable environmental norms and conditions of the consent, resulting in discharge of wastewater and other waste towards the village and causing damage to agricultural land, fruit-bearing trees, pathways and other property. The villagers submitted complaints dated 02.07.2022 and 03.08.2022, and, upon failure of the authorities to take effective action,

petitioner No. 3 filed OA No. 706/2022 before the National Green Tribunal (NGT). The NGT constituted a Joint Committee, which found deficiencies in the treatment and disposal of wastewater and verified the grievances of the villagers. Consequently, the District Magistrate, Ramban, vide communication dated 15.12.2022, directed ABCI Infrastructure Pvt. Ltd. to undertake remedial measures, including construction of a sedimentation tank, proper drainage and retaining structures. The petitioners allege that the subsequently constructed sedimentation tank burst, causing further damage to the land and trees of the villagers, despite which no effective remedial measures were taken.

03. It is stated that respondent No. 2, the Project Manager of ABCI Infrastructure Pvt. Ltd., allegedly developed a grudge against the petitioners for pursuing the aforesaid complaints and OA No. 706/2022. During the construction of a retaining/gabion wall, the excavated muck was allegedly being dumped towards the village instead of being transported to the designated dumping yard at Chapnari.
04. When the villagers objected, respondent No. 2 allegedly insisted upon dumping the muck towards the village, resulting in a dispute, whereafter FIR No. 0104/2023 dated 30.04.2023 came to be registered at Police Station Banihal under Sections 382, 323, 147, 342, 504 and 506 IPC against the petitioners. The petitioners contend that the FIR is false and has been lodged as a counterblast to OA No. 706/2022 and their protest against the dumping of muck. They deny assaulting or manhandling respondent No. 2 or his employees and also deny the allegations of

snatching a mobile phone or cash amounting to Rs.35,000/-. The impugned FIR is, therefore, challenged on the grounds that it is contrary to the facts and circumstances of the case. It is contended that the allegations contained therein, even if taken at face value, do not disclose the commission of the alleged offences. It is further contended that no specific overt acts have been attributed to the individual petitioners, rendering the continuation of the criminal proceedings an abuse of the process of law.

05. According to the petitioners, in order to take revenge of the complaints filed by petitioner No.3, respondent No.2 filed a false and frivolous complaint against the petitioners and got the impugned FIR registered at Police Station, Banihal.
06. During the pendency of the proceedings, the parties decided to settle the dispute amicably outside the Court. Accordingly, the parties entered into a compromise, which was reduced into writing by way of a Compromise Deed executed between them on 22.12.2023. In the terms of the agreement arrived at between the parties, they have decided to resolve the disputes and put an end to the litigation. On 03.05.2024, petitioners and respondent No.2 were directed to appear before the Registrar Judicial of this Court for recording their statements. Accordingly, parties appeared before the Registrar Judicial and recorded their statements, which have been placed on record along with the Compromise Deed. As per the statements of the parties recorded before the Registrar Judicial, they have resolved their disputes amicably and prayed for quashing the impugned

FIR. Respondent No.2, who is a complainant in the impugned FIR, has stated that he has no objection in case FIR No.0104/2023 is quashed against all the petitioners.

07. The question, which arises for consideration is whether the proceedings can be quashed on compromise between the parties, is no more *res integra*. The Hon'ble Apex Court in **Narinder Singh and others vs. State of Punjab and others, (2014) 6 SCC 466**, framed guidelines for accepting the settlement for quashing the proceedings or refusing to accept the settlement with direction to continue with criminal proceeding.

Paragraph Nos. 29.3, 29.4 & 29.5 being relevant are reproduced below:-

"29.03 Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by Public Servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4 On the other, those criminal cases having overwhelmingly and pre-dominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5 While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases."

08. In the present case also, the offence alleged against the petitioners does not fall within the offence of heinous nature. Keeping in view the nature of the allegations and the fact that the parties have already settled the matter amicably, and that respondent No. 2 has no objection to the

quashing of the impugned FIR and all consequential proceedings emanating therefrom, this Court is of the considered view that continuation of the criminal proceedings would serve no useful purpose.

09. Therefore, in view of the compromise entered into between the parties, there are bleak chances of conviction, rather continuation of criminal proceedings will cause grave injustice to the parties and would amount to abuse of the process of Court, as the parties are no longer interested in pursuing the same.

10. In view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court and to secure the ends of justice, this petition is allowed and FIR No.0104/2023 dated 30.04.2023 registered at Police Station, Banihal, District Ramban for commission of offences under Sections 382, 323,147,342,504 & 506 IPC and subsequent proceedings are quashed.

11. ***Disposed of*** accordingly.

(MOKSHA KHAJURIA KAZMI)
JUDGE

JAMMU
22.09.2026
Anil Sanhotra

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