

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

CRM(M) No. 699/2026
CrIM No. 1249/2026

1. Shokat Ali Khan, aged 28 years S/o Mumtaz Ahmed Khan, R/o Mohra Bachai, Surankote, District Poonch.
 2. Shamim Akhter aged 45 years W/o Abdul Majid Khan, R/o Mohra Bachai, Surankote, District Poonch
- Petitioner(s)

Through: Mr. Razat Sudan, Advocate

vs

1. UT of J&K through Incharge Police Station, Surankote, Poonch.
 2. Neha Khatri D/o Subash Chander Khatri R/o Mohra Bachai, Surankote, Poonch, At present-Near Saugat Shopping Complex, Janipur, Jammu.
- Respondent(s)

Through: Mr. Meharbaan Singh, AAG for R-1

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

JUDGMENT **29.09.2026**

01. Through the medium of instant petition, filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioners are seeking to quash Charge-sheet No. 450/2022 dated 31.12.2022, titled, "*UT of J&K vs Shokat Ali Khan & Ors*", arising out of FIR No.315/2022 dated 21.09.2022 registered at Police Station, Surankote, Poonch for commission of offences under Sections 341, 323, 354, 504 & 506 IPC, which is pending before the Court of learned Sub-Judge, Surankote, District Poonch; with a further prayer to quash/set aside all consequential criminal proceedings arising therefrom, including the proceedings pending before the learned Special Excise Mobile Magistrate, Jammu.

BRIEF FACTS

02. Briefly stated, the petitioners are closely related to each other and belong to the same family. Petitioner No.1 was married to respondent No.2. However, their marriage has since been dissolved by way of divorce, and the parties are now living separately and peacefully.
03. It is stated that the FIR No. 315/2022 dated 21.09.2022 for commission of offences under Sections 341, 323, 354, 504 & 506 IPC, came to be registered against the petitioners at Police Station, Surankote, Poonch at the instance of respondent No.2. Pursuant to the registration of the FIR, investigation was carried out by the concerned agency. Upon its conclusion, a challan/charge-sheet came to be filed before the Court of learned Additional Special Mobile Magistrate, Surankote where the proceedings are presently pending. It is stated that the dispute which gave rise to the registration of the FIR was essentially rooted in marital and personal circumstances between the parties, and did not involve any element of public harm or societal concern of such magnitude as would warrant continuation of criminal prosecution despite subsequent reconciliation.
04. It has been pleaded *inter alia* that during the subsistence of marriage between petitioner No.1 and respondent No.2 certain disputes arose between them, pursuant to which FIR came to be registered against the petitioners at the behest of the respondent no.2. It is further stated that the proceedings under Domestic Violence Act have also been initiated against petitioner no.1 before the Court of learned Sub-Judge, Surankote.

05. During the pendency of the proceedings, the matter was referred to mediation with a view to resolve the disputes between petitioner No.1 and respondent No.2. The mediation proceedings culminated in an amicable settlement between the parties, pursuant to which their marriage has been dissolved by way of divorce and they have agreed to live separately. As part of the settlement, petitioner No.1 agreed to pay a sum of ₹30.00 lakh to respondent No.2 towards permanent alimony in full and final settlement of the disputes between them. It was further agreed that respondent No.2 would withdraw the cases, FIRs and complaints instituted by her against the petitioners. Pursuant to the settlement, petitioner No.1 has already paid a sum of ₹10.00 lakh to respondent No.2, while a cheque for the remaining amount of ₹20.00 lakh has been deposited before the Court of learned Sub-Judge, Surankote, with the understanding that the same shall be encashed upon withdrawal of the FIRs and complaints by respondent No.2.
06. In view of the amicable settlement arrived at between the parties, this Court, vide order dated 10.07.2026, directed the parties to appear before the Registrar Judicial of this Court for recording their statements. In compliance thereof, the petitioners and respondent No.2 appeared before the Registrar Judicial on 15.07.2026, their statements have been recorded, which have been placed on record. From the statements so recorded, it transpires that the parties have amicably resolved their disputes and respondent No.2, being the complainant in the aforesaid FIR stated that she has no objection to the quashing of FIR No. 315/2022 dated 21.09.2022, registered at Police Station Surankote, District Poonch, for offences punishable under Sections 341, 323, 354, 504 and 506 of the Indian Penal

Code, as well as the consequential Charge-sheet No. 450/2022 dated 31.12.2022, titled “*UT of J&K v. Shokat Ali Khan & Ors.*”, pending before the Court of learned Sub-Judge, Surankote, District Poonch.

07. Mr. Meharban Singh learned AAG appearing for the respondent No.1-UT of J&K has raised no serious objection to the pleas advanced by the petitioners as well as respondent No.2. He submits that the offences alleged in the charge-sheet arising out of the impugned FIR are essentially personal in nature and are compoundable, have their genesis in matrimonial discord between respondent No.2 and petitioner No.1. He, therefore, has no serious objection to the consideration of the prayer for quashing of the impugned criminal proceedings in view of the amicable settlement arrived at between the parties.
08. 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."

09. 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 Charge-sheet No. 450/2022 dated 31.12.2022 titled "UT of J&K vs Shokat Ali Khan & Ors" arising out of FIR No.315/2022 dated 21.09.2022, registered at Police Station, Surankote, Poonch, for commission of offences under Sections 341, 323, 354, 504 & 506 IPC, which is pending before the Court of learned Sub-Judge, Surankote, District Poonch and all other consequential proceedings emanating therefrom, this Court is of the considered view that continuation of the criminal proceedings would serve no useful purpose.
10. 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.
11. 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 Final Report/Charge-sheet No. 450/2022 dated 31.12.2022 titled "UT of J&K vs Shokat Ali Khan & Ors" arising out of FIR No.315/2022 dated

21.09.2022 registered against the petitioners at Police Station, Surankote, Poonch, for commission of offences under Sections 341, 323, 354, 504 & 506 IPC, which is pending before the Court of learned Sub-Judge, Surankote, District Poonch and all other consequential proceedings emanating therefrom, are quashed.

12. ***Disposed of*** accordingly.

(Moksha Khajuria Kazmi)
Judge

Jammu
29.09.2026
Vijay

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

