

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

CRM(M) No. 698/2026

Pronounced on : 12.08.2026

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- 1. Shokat Ali Khan**
S/O Mumtaz Ahmed Khan
R/O Mohra Bachai, Surankote
District Poonch.
- 2. Asif Khan @ Asif Ali Mota**
S/O Mohd. Yaqoob Khan
R/O Mohra Bachai, Surankote
District Poonch.
- 3. Mohd. Rashid Khan @ Haji Rashid**
S/O Mohd. Nazeer Khan
R/O Mohra Bachai, Surankote
District Poonch.
- 4. Gulnaz Akhter @ Gulnaz Gunni**
W/O Mohd. Rahid Khan
R/O Mohra Bachai, Surankote
District Poonch.
- 5. Zareena Akhter @ Zareena**
W/O Asif Khan
R/O Mohra Bachai, Surankote
District Poonch.
- 6. Naseem Akhter @ Preeti**
W/O Mohd. Khalil Khan
R/O Mohra Bachai, Surankote
District Poonch.
- 7. Tazeem Akhter @ Kolu**
W/O Sikander Hayat Khan
R/O Mohra Bachai, Surankote
District Poonch.
- 8. Nosheen Akhter @ Nosheen**
D/O Mohd. Aslam Khan
R/O Mohra Bachai, Surankote
District Poonch.
- 9. Zahida Kowser @ Zahida**
D/O Mohd. Khalil Khan
R/O Mohra Bachai, Surankote
District Poonch.
- 10. Mumtaz Ahmed Khan**
S/O Mohd. Said Khan
R/O Mohra Bachai, Surankote
District Poonch.
- 11. Kaka Imran Khan**
S/O Mohd. Sher Khan
R/O Mohra Bachai, Surankote
District Poonch.
- 12. Waseem Khan @ Sajjan Bassu Khan**

S/O Salil Khan
R/O Mohra Bachai, Surankote
District Poonch.

....Petitioners

Through:-

Mr. Razat Sudan, Adv.

V/S

1. UT of J&K Through

Incharge Police Station, Surankote
Poonch.

2. Neha Khatri

D/O Sh. Subash Chander Khatri
R/O Mohra Bachai, Surankote
District Poonch.
At present, near Saugat Shopping Complex,
Janipur, Jammu.

.....Respondents

Through:-

Mr. Eishaan Dadhichi, GA for R-1.
Mr. Muneeb Ahmed Shad, Adv. for R-2.
Respondent No. 2 is present in person.

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

ORDER

12.08.2026

1. This petition has been filed by the petitioners under Section 528 of BNSS, 2023, seeking quashment of chargesheet No. 90/2020 dated 31.10.2020 titled "UT of J&K Vs. Shokat Ali Khan and Ors" pending adjudication before the court of learned Additional Special Mobile Magistrate, Surankote, Poonch arising out of FIR No. 115/2020 dated 14.08.2020 under Sections 420/498-A/354-B/343/323/147/427 IPC registered with Police Station, Surankote, Poonch.
2. It is stated by learned counsel for the petitioners and the learned counsel appearing for the respondent No. 2 that the parties have entered into a compromise and pray that the petition be allowed and the chargesheet be quashed in view of the compromise. All the

petitioners, except petitioner No. 11-Kaka Imran Khan as accused and the respondent No. 2- Neha Khatri as complainant, were examined by the learned Registrar Judicial. Their statements, in support of the compromise, have been placed on record.

3. Learned counsel for the petitioners/accused and respondent No. 2/complainant, have stated at the Bar that in view of compromise reached between the parties, the petition be allowed, and the impugned charge-sheet arising out of the impugned FIR be quashed, to secure the ends of justice.
4. Mr. Eishaan Dadhichi, GA 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, stating that the offences in the chargesheet arising out of the impugned FIR are of personal nature *inter se* parties due to marital discord between the complainant and accused, who were her in laws.
5. Chargesheet laid against the petitioners arising out of the impugned FIR lodged by respondent No. 2, has accusation of subjecting her by her husband and in-laws to the cruelty punishable under section 498-A IPC and other related offences.
6. The impugned FIR seems to have been registered due to marital discord between the couple, petitioner No. 1-Shokat Ali Khan and the respondent No. 2/complainant, and acrimony between their respective families, resulting into lodging of impugned FIR. Since the estranged couple has reconciled and so by their families, continuation of the prosecution of criminal case would be a nightmare for them.

7. 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.”

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**.

8. In the case of Gian Singh Vs. State of Punjab reported in **(2012) 10 SCC 303**, it has been held by the Hon'ble Supreme Court that the High Court, within the framework of inherent power, may quash criminal proceedings if it is satisfied that on the face of such settlement, there is hardly any likelihood of offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.

9. The Apex Court in another case titled Mange Ram Vs. State of Madhya Pradesh & Anr, **(2025) INSC 962**, after discussing the earlier judgments on the issue of the family members of the husband being unnecessarily roped into criminal proceedings in matrimonial discord has laid down that continuation of criminal proceedings in the event of an agreement between the parties even in the case of non-compoundable offences especially in matters of matrimony would only be an exercise in futility and justice demands that the dispute between the parties is put to an end and peace is restored.
10. In the case of Naushey Ali Vs. State of U.P reported in **(2025) 4 SCC 78**, there is a clear cut observation by the Hon'ble Apex Court that when the parties have amicably resolved the dispute, proceedings with the trial would be futile and the ends of justice require that the settlement be given effect to by quashing the proceedings, as otherwise, it would be a grave abuse of process particularly when the dispute is settled and resolved.
11. All the offences of which petitioner has been accused are of personal nature with no public overtones and are also not very grievous in nature and in such case the parties should not be discouraged from settling their disputes/offences through mutual compromise.
12. In view of the aforesaid legal enunciation by the Apex Court on the point, it is the duty of this Court to being quietus to personal disputes that have already been settled between the parties. This Court in its inherent jurisdiction under section 528 of BNSS, 2023 would

consider the continuation of the criminal proceedings as an abuse of the process of the court.

- 13.** 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 sake of conclusion by asking both the sides to undergo the mill of trial. In these circumstances, it would be an abuse of process, as such, quashing of the impugned chargesheet arising out of the impugned FIR would secure the ends of justice.
- 14.** Viewed thus, the present petition is allowed. Impugned chargesheet No. 90/2020 dated 31.10.2020 titled "UT of J&K Vs. Shokat Ali Khan and Ors" pending adjudication before the court of learned Additional Special Mobile Magistrate, Surankote, Poonch arising out of FIR No. 115/2020 dated 14.08.2020 under Sections 420/498-A/354-B/343/323/147/427 IPC registered with Police Station, Surankote, Poonch is quashed.
- 15.** The petition is, thus, disposed of as **allowed** alongwith application(s).

(M A CHOWDHARY)
JUDGE

JAMMU
12.08.2026
Naresh/Secy.

Whether the order is speaking: **Yes**

Whether the order is reportable: **Yes**

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