

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM(M) No.196/2023

CrIM No.1905/2025

CrIM No.485/2023

CrIM No.512/2026

1. **Akhter Rasool Nengroo**
S/O Ghulam Rasool Nengroo
R/O Khrawan Lassipora,
District Kulgam.
2. **Majid Rasool Nengroo**
S/O Ghulam Rasool Nengroo
R/O Khrawan Lassipora,
District Kulgam.

...Petitioner(s)

Through: Adv. Owais Ahmad Dar.

Vs.

1. **Union Territory of J&K through**
Station House Officer
Police Station Qazigund.
2. **Summy Jan**
W/O Majid Rasool Nengroo
R/O Lassipora Khrewan,
District Kulgam.

...Respondent(s)

Through: GA Zahid Qais Noor, for R-1
Adv. Tawheed Ahmad, for R-2.

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

ORDER
13.05.2026

1. Through the medium of the present petition filed under Section 482 Cr.PC corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, the petitioners seek quashment

of order dated 29.04.2023 passed by the learned Judicial Magistrate (Munsiff) Qazigund, in an application filed by respondent No.2 herein (Summy Jan) under Section 156(3) Cr.PC, as also FIR No. 80/2023 registered at Police Station Qazigund for offences under Sections 376/511, 506 and 498-A IPC, in compliance of the order dated 29.04.2023.

2. The case put up by the petitioners is that respondent No.2 lodged a complaint before the learned Magistrate alleging commission of offences by her husband-petitioner No.2 herein and his family members, particularly leveling allegations against her brother-in-law (petitioner No.1 herein). Pursuant to the order dated 29.04.2023 passed under Section 156(3) Cr.PC, the impugned FIR No. 80/2023 came to be registered at Police Station Qazigund.
3. Pursuant to notice, respondent No.1, despite several opportunities, did not file reply/objections to the petition, whereas respondent No.2-complainant filed reply and opposed the plea raised in the petition, stating that she had been subjected to cruelty by her in-laws, including the petitioners herein, as such, she moved a complaint to the learned Magistrate, who had ordered Police to register and investigate the case. It was prayed by her that the petition be dismissed.
4. During the pendency of the proceedings before the learned Magistrate, the parties initially entered into a compromise in an effort to resolve their matrimonial discord, amicably. Thereafter, upon filing of the present petition before this Court, the parties once again affirmed and reiterated the settlement by executing a

comprehensive compromise deed dated 15.04.2026 attested by Public Notary, before this Court in order to bring an end to all disputes and litigations pending *inter se* them.

5. As per the terms and conditions of the said compromise deed, the petitioner No.2 and respondent No.2 being spouses, agreed to dissolve their marriage by way of divorce and not to interfere in the peaceful life of each other in future, subject to the condition that petitioner No.2-husband shall pay an amount of Rs.5,08,000/- (Rupees Five Lacs Eight Thousand only) to respondent No.2(wife)-Summy Jan towards full and final settlement of all claims, including maintenance, permanent alimony and all other claims, whatsoever.
6. The compromise deed further reveals that the parties have agreed to withdraw all civil and criminal cases, complaints and proceedings instituted by them against each other and their respective family members before any Court or authority.
7. Pursuant to the directions of this Court, the parties appeared before the learned Registrar Judicial of this Court for recording of their statements. Statements of the parties have been placed on record, wherein they have unequivocally stated that the compromise has been entered into voluntarily out of their free will and without any coercion or undue influence. Respondent No.2-Summy Jan has further stated that she does not intend to pursue the proceedings arising out of FIR No. 80/2023 and has no objection in case the same is quashed along with all consequential proceedings. Respondent No.2 also stated that she had received an amount of Rs.5,16,000/- (Rupees Five Lacs

Sixteen Thousand only) from petitioner No.2-Majid Rasool Nengroo as one time permanent alimony.

8. Learned counsel for the petitioners submits that continuation of criminal proceedings after settlement between the parties would amount to abuse of process of law and would serve no fruitful purpose. Learned counsel further submits that the dispute essentially arose out of matrimonial discord and has now been amicably settled.
9. Learned counsel appearing for respondent No.2 also admits the factum of compromise and submits that respondent No.2 has no objection to the quashment of the impugned FIR and the order passed under Section 156(3) Cr.PC.
10. Heard learned counsel for the parties, perused the record and considered the matter.
11. It is well settled that the High Court, in exercise of its inherent jurisdiction, can quash criminal proceedings where the parties have settled their disputes and continuation of proceedings would amount to abuse of process of law, particularly in cases arising out of matrimonial disputes having overwhelmingly personal and private character. The Hon'ble Supreme Court in **Gian Singh v. State of Punjab & Anr.** reported as **2012 (10) SCC 303** has held that criminal proceedings arising out of matrimonial and family disputes can be quashed where parties have resolved their disputes amicably and the possibility of conviction is remote and bleak. Relevant extract is reproduced hereunder:-

“...The power of the High Court in quashing a criminal proceeding or FIR or complaint in

exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like [Prevention of Corruption Act](#) or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominatingly civil flavor stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to

dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding...”

12. Although one of the offences incorporated in the FIR pertains to Section 376/511 IPC, yet the allegations emanate from a matrimonial discord involving close family relations, particularly against the brother-in-law-petitioner No.1 herein, and respondent No.2-Summy Jan, whose statement has been recorded, has categorically stated that the matter has been settled amicably and that she does not wish to prosecute the petitioners any further. In the peculiar facts and circumstances of the case,

continuation of criminal proceedings would only perpetuate bitterness between the parties and would not advance the cause of justice.

13. The Apex Court in **Madhukar & Ors. Vs. The State of Maharashtra & Anr.** reported as **2025 LiveLaw (SC) 710** while dealing with an identical case observed that the offence under Section 376 IPC is grave and heinous nature and quashing of proceedings involving such offences on ground of settlement between parties is discouraged and should not be permitted lightly, however, considering the peculiar facts of the case and nature of settlement, the Court has held as under:-

“...At the outset, we recognise that the offence under Section 376 IPC is undoubtedly of a grave and heinous nature. Ordinarily, quashing of proceedings involving such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly. However, the power of the Court under Section 482 CrPC to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case.

In the present matter, we are confronted with an unusual situation where the FIR invoking serious charges, including Section 376 IPC, was filed immediately following an earlier FIR lodged by the opposing side. This sequence of events lends a certain context to the allegations and suggests that the second FIR may have been a reactionary step. More importantly, the complainant in the second FIR has unequivocally expressed her desire not to

pursue the case. She has submitted that she is now married, settled in her personal life, and continuing with the criminal proceedings would only disturb her peace and stability. Her stand is neither tentative nor ambiguous, she has consistently maintained, including through an affidavit on record, that she does not support the prosecution and wants the matter to end. The parties have also amicably resolved their differences and arrived at a mutual understanding. In these circumstances, the continuation of the trial would not serve any meaningful purpose. It would only prolong distress for all concerned, especially the complainant, and burden the Courts without the likelihood of a productive outcome.

Therefore, having considered the peculiar facts and circumstances of this case, and taking into account the categorical stand taken by the complainant and the nature of the settlement, we are of the opinion that the continuation of the criminal proceedings would serve no useful purpose and would only amount to abuse of process...”

14. This Court is satisfied that the compromise arrived at between the parties is genuine, voluntary and intended to bring quietus to the entire dispute.
15. Accordingly, the petition is **allowed** and the order impugned dated **29.04.2023** passed by the learned Munsiff JMJC Qazigund in the application under Section 156(3) Cr.PC, as also **FIR No. 80/2023** registered with Police Station Qazigund, for the offences under Sections 376/511, 506 and 498-A IPC and all

consequential proceedings arising therefrom, are hereby quashed.

16. Disposed of along with pending application(s).

**(M. A. CHOWDHARY)
JUDGE**

Srinagar
13.05.2026
Muzammil. Q

Whether the order is reportable: Yes / No

