

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

CRM(M) No.262/2025
c/w
CRM(M) No.258/2025

**JAVEED AHMAD SOFI & ORS.
BASHIR AHMAD TELI & ORS.**

... PETITIONER(S)

*Through: - Mr. Mr. Mir Umar, Adv. (in CRM(M) No.262/2025
Mr. Sheikh Manzoor, Adv.(in CRM(M) No.258/2025.*

Vs.

UT OF J&K & ORS.

...RESPONDENT(S)

*Through: - None for R1.
Mr. Sheikh Manzoor, Advocate for R2 (in CRM(M)
No.262/2025)
Mr. Mir Umar, Advocate for R2 (in CRM(M)
No.258/2025)*

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER (ORAL)
17.07.2026

1) By this common order, the afore titled two cases, one filed by Javeed Ahmad Sofi and others and other filed by Bashir Ahmad Teli and others, are proposed to be disposed of.

2) In CRM(M) No.262/2025/2025, the petitioners have challenged FIR No.478/2024 for offences under Section 191(2), 120(1), 309(4), 74, 115(2) and 324(4) of BNS registered with Police Station, Budgam, and the proceedings emanating therefrom, that has been lodged on the basis of the complaint made by respondent No.2, namely, Bashir Ahmad Teli.

Briefly stated, as per the contents of the impugned FIR, the complainant filed a written application before the police alleging therein that on 31.12.2204 at about 6. 00 pm in the evening, the accused persons (petitioners in CRM(M) No.262/2025), armed with lathies, axes and other deadly weapons, attacked and pelted stones on his residential house thereby causing damage to it. It has also been alleged that the accused persons stole some belongings/ items from the house of the complainant including two laptops and they also stole cash worth Rs.15000/. It has been alleged that the accused persons gave a severe beating to wife of the complainant, namely, Mst. Shakeela, and his other family members, namely, Mehtaba Begum, Mst. Rubeena, and tore their clothes apart.

3) In CRM(M) No.258/2025, the petitioners have challenged FIR No.477/2025 for offence under Section 115(2) and 191(2) of BNS registered with Police Station, Budgam, and the proceedings emanating therefrom. The said FIR has been registered at the instance of private respondent No.2. As per the contents of the impugned FIR, on 31.12.2024, the complainant (respondent No.2 herein) along with one Gh. Nabi Dar, filed a written complaint alleging therein that the public path leading from Batpora to Srhanhall was being widened and repaired and during this process, the accused

persons (petitioners in CRM(M) No.258/2025), without any justification caused obstruction and with the support of other inhabitants of the village, they attacked the complainant and aforementioned Gh. Nabi Dar who got injured.

4) It seems that during pendency of the aforesaid proceedings, the complainants in both the impugned FIRs have entered into a compromise on 18.04.2025 and in this regard, they have produced a copy of the compromise deed before this Court. In support of the compromise, the statements of Ghulam Mohammad Sofi (complainant in FIR No.477/2024 and respondent No.2 in CRM(M) No.258/2025) and Bashir Ahmad Teli (complainant in FIR No.478/2025 and respondent No.2 in CRM(M) No.262/2024) have been recorded by the Registrar Judicial on 17.07.2026, wherein they have stated that they have amicably settled their dispute and that they have no grievance against each other and that they do not want to pursue the criminal proceedings against each other.

5) It is in the above circumstances that the petitioners in both the petitions have approached this Court for seeking quashment of the criminal proceedings emanating from the aforesaid FIRs.

6) Heard and considered.

7) So far as the fact pertaining to the compromise arrived at between the parties, is concerned, the same is not in dispute. The question arises as to whether this Court has power to quash the proceedings.

8) It is a settled law that the offences arising out of the disputes where the wrong is basically private or personal in nature or the disputes arise out of matrimony and the parties have resolved their entire dispute, the High Court will be within its jurisdiction to quash the criminal proceedings, particularly when, as a consequence of the compromise arrived at between the parties, there is remote possibility of securing conviction of the accused. In my aforesaid view, I am fortified by the judgments of the Supreme Court in the cases of **Anil Mishra vs. State of UP & Ors, (2024) 3 SCR 385, K. Bharathi Devi vs. The State of Telengana** (SLP (Criminal) No.4353 of 2018 decided on 3rd October, 2024), **Gian Singh. v. State of Punjab & another, (2012) 10 SCC 303** and **Narinder Singh & Ors. Vs. State of Punjab & anr, (2014) 6 SCC 466.**

9) Adverting to the facts of the instant case, it is clear that the parties have entered into a compromise wherein the complainants have categorically stated that they are not willing to pursue the criminal proceedings and that the parties have settled their disputes amicably. It is to be noted that the impugned FIRs have been lodged by the inhabitants

of two adjoining villages against one another on account of a dispute relating to pathway leading to their villages. Now the villagers have settled the underlying disputes amicably. In these circumstances, if an end is not put to the criminal proceedings, it would amount to giving a fresh lease of life to the dispute which has been settled by parties amicably and it will amount to frittering away of the fruits of compromise that has been arrived at between the parties. The continuance of criminal proceedings against the accused/petitioners in these circumstances, will be nothing but an abuse of process of law.

10) For the foregoing discussion, both the petitions are allowed and FIR No.478/2024 for offences under Section 191(2), 120(1), 309(4), 74, 115(2) and 324(4) of BNS and FIR No.477/2024 for offence under Section 115(2) and 191(2) of BNS, both registered with Police Station, Budgam, and the proceedings emanating therefrom, are quashed.

(SANJAY DHAR)
JUDGE

Srinagar,
17.07.2026

"Bhat Altaf-Secretary"

Whether the ORDER is reportable: Yes/No