

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

CRM(M) No.464/2026

MOHAMMAD MAQBOOL RATHER & ORS.

...PETITIONER(S)

Through: - Mr. Parvez Ahmad Wani, Advocate.

Vs.

UT OF J&K & ORS.

...RESPONDENT(S)

Through:-

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

ORDER(ORAL)

1) The petitioners, through the medium of present petition, are seeking quashment of criminal proceedings arising out of FIR No.127/2015 for offences under Section 324 and 354 RPC registered with Police Station, Ganderbal, which are stated to be pending before the Court Additional Special Judicial Mobile Magistrate (Munsiff), Ganderbal.

2) As per contents of the impugned charge sheet, on 23.06.2021, the complainant (respondent No.4 herein) lodged a written report with the police alleging therein that petitioner No.1, who is his real brother, is living separately. It was alleged that the said accused tried to make passage for himself from his kitchen through courtyard and when the complainant objected to the same, the accused persons launched an attack upon his head with an axe and the blood

started oozing from his head. When his daughter (respondent No.5 herein) tried to save her, the accused persons caught hold of her, beat her and tore apart her clothes and the accused persons tried to kill the complainant.

3) On the basis of aforesaid report, the impugned FIR was registered and investigation was set into motion. After investigation of the case, offences under Section 324 and 354 of RPC were found established against the petitioners and the challan was laid before the trial court.

4) It seems that the parties have entered into a compromise on 17th of April, 2026. They have produced a copy of the compromise deed before this Court. In support of the deed of compromise, the statements of the petitioners and the injured/complainants (respondents No.4 and respondent No.5 herein) have been recorded by the Registrar Judicial on 17.08.2026, wherein they have stated that good sense has prevailed upon them and that they have amicably settled and resolved all their disputes. They have further stated that they have no grievance against each other. Injured/complainants/respondents No.4 and 5 have stated that they do not want to pursue the criminal proceedings against the accused/petitioners.

5) The petitioners have contended that the offences arising out of impugned challan could not be compounded because

some of the offences disclosed therein are non-compoundable in nature. It is in these circumstances that the petitioner has approached this Court for seeking quashment of the aforesaid FIR and the proceedings emanating therefrom.

6) Heard and considered.

7) So far as the facts mentioned in the compromise deed, are concerned, the same are not in dispute. In the backdrop of aforesaid facts, the question arises as to whether this Court has power to quash the proceedings, particularly when some of the offences alleged to have been committed by the accused are non-compoundable in nature.

8) It is a settled legal position 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 **Gian Singh. v. State of Punjab & another, (2012) 10 SCC 303, Narinder Singh & Ors. Vs. State of Punjab & anr, (2014) 6 SCC 466 Ramgopal and another vs. State of Madhya Pradesh, (2022) 14 SCC 531, Anil Mishra vs. State**

of UP & Ors, (2024) 3 SCR 385, and **K. Bharathi Devi vs. The State of Telangana** (SLP (Criminal) No.4353 of 2018 decided on 3rd October, 2024),

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 against the petitioner and that the parties have settled their disputes amicably. The wrong alleged to have been committed by the petitioners upon respondents No.4 and 5, which is subject matter of the impugned challan, arises out of a private/civil dispute between the parties. 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) Even otherwise, the petitioners and respondents No.4 and 5 belong to the same family. The complainant happens to be the brother of petitioner No.1. Hence putting an end to the criminal proceedings initiated at the instance of respondents

No.4 and 5 would be in the interests of maintaining peace and harmony in the family.

11) For the foregoing discussion, the petition is allowed and the criminal proceedings arising out of FIR No.127/2015 for offences under Section 324 and 354 RPC registered with Police Station, Ganderbal, against petitioners are quashed.

(SANJAY DHAR)
JUDGE

Srinagar,
17.08.2026

"Bhat Altaf-Secretary"

Whether the ORDER is reportable: Yes/No

