

petitioner No.1, an interim injunction was passed against respondent No.3. The said order was sent to SHO, P/S Aragam for implementation. It is submitted that respondent No.3 with the help of some other persons attacked the family of the petitioners which resulted in lodging of FIR No.11/2023 in P/S Aragam.

3) According to the petitioners, respondent No.3, instead of defending the civil suit and associating with the investigation of FIR No.11/2023, filed an application under Section 156(3) of Cr. P. C before the learned Judicial Magistrate, 1st Class, Bandipora, on which, vide order dated 26.04.2023, respondent No.2 was directed to take necessary action and to file status report. The said order was followed by order dated 10.06.2023, whereby respondent No.2 was directed to implement order dated 26.04.2023 in letter and spirit and submit compliance report and as a consequence whereof, impugned FIR No.18/2023 came to be registered against the petitioners in P/S Aragam.

4) It seems that during pendency of the aforesaid proceedings, the parties have entered into a compromise on 22.03.2024. In support of the compromise, the statements of petitioners and the respondent No.3 have been recorded by the Registrar Judicial wherein they have stated that they have amicably settled their dispute and that they have no

grievance against each other. Complainant/respondent No.3 has stated that he does not want to pursue the criminal proceedings against the accused.

5) It is in the above circumstances that the petitioners have approached this Court for seeking quashment of the impugned orders and the proceedings emanating therefrom.

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 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** 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 complainant has categorically stated that he is not willing to pursue the proceedings and that the parties have settled their disputes amicably. It is also clear from the contents of the impugned FIR that the dispute between the accused and the complainant is essentially of civil nature. 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. 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/petitioner in these circumstances, will be nothing but an abuse of process of law.

10) For the foregoing discussion, the petition is allowed and the impugned orders, impugned FIR No.18/2023 lodged against the petitioners under Sections 147, 447, 427 and 354 in P/S Aragam and the proceedings emanating therefrom against petitioners are quashed.

(Sanjay Dhar)
Judge

Srinagar
10.02.2025
"Bhat Altaf-Secy"

Whether the order is reportable: Yes/No