S. No. 97

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case:- CRM(M) No. 143/2026

1. Shivani Kumari alias Shabnam Kouser, age 32 years W/o Kuldeep Kumar, R/o Gura Pattan, District Jammu.
2. Krishan Lal alias Happy, age 35 years S/o Mela Ram R/o Gurah Pattan, Tehsil Bhalwal, P.O Ranjan, District Jammu.
3. Vishvash Kumar @ Vishal, age 28 years S/o Darshan Lal R/o Gurah Pattan, Tehsil Bhalwal, P.O Ranjan, District Jammu.
4. Vicky Kumar, age 44 years S/o Yash Pal, R/o Gurah Pattan, Tehsil Bhalwal, P.O Ranjan, District Jammu. .....Petitioner(s)

Through: Mr. M A Shah, Advocate

Vs

UT of J&K, through Police Station Kanachak, District Jammu. ..... Respondent(s)

Through: Mr. Pawan Dev Singh, Dy AG

Coram: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

JUDGMENT
(28.10.2026)

01. Through the medium of instant petition, filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), the petitioners are seeking to quash Police Challan/Charge-sheet No. 77/2019 titled *"UT of J&K vs Krishan Lal Alias Happy & Ors"*, pending before the Court of learned City-Judge, Jammu, arising out of FIR No. 0092/2019 dated 30.06.2019, registered under Sections 451, 354, 323, 147 RPC at Police Station Kahanachak, District Jammu, on the basis of a Compromise Deed dated 12.01.2026 entered into between the parties, i.e., petitioner No.1 and petitioner Nos. 2 to 4.

BRIEF FACTS

02. Briefly stated that the petitioners are the natives of same village and once over a certain trifle issue, arising out of a misunderstanding and misconception, petitioner No.1 lodged an FIR bearing No. 0092/2019 dated 30.06.2019 against the petitioners 2 to 4 and two other persons at Police Station Kanhachak, for commission of offences under Sections 451, 354, 323, 147 RPC. Upon completion of the investigation, the said FIR culminated into Final Report/Challan No. 77/2019 titled *"UT of J&K vs Krishan Lal Alias Happy & Ors"* and is presently pending before the Court of learned City Judge, Jammu.

03. During the pendency of the proceedings, the parties, with the intervention of elders of the families from both sides, decided to settle the dispute amicably outside the Court. Accordingly, petitioner No.1 and petitioners 2 to 4 entered into a compromise, which was reduced into writing by way of a Compromise Deed executed between them on 12.01.2026. In terms of the agreement arrived at between the parties, they have decided to resolve the disputes and put an end to the litigation.

04. On 20.02.2026, petitioner No.1 and petitioners 2 to 4 were directed to appear before the Registrar Judicial of this Court for recording their statements. Accordingly, parties appeared before the Registrar Judicial and their statements have been recorded on 11.03.2026, which have been placed on record along with the Compromise Deed. As per the statements of the parties recorded before the Registrar Judicial, they have resolved their disputes amicably and prayed for quashing the FIR-in-question as

also the consequent Challan/Charge-sheet pending before the Court of City-Judge, Jammu. Petitioner No.1, who is a complainant in the impugned FIR, has stated that she has no objection in case FIR No.0092/2019 dated 30.06.2019, registered under Sections 451, 354, 323, 147 RPC at Police Station Kahanachak, District Jammu as well as the consequential Challan/charge-sheet pending before the Court of City-Judge, Jammu is quashed.

05. The question, which arises for consideration is whether the proceedings can be quashed on compromise between the parties, is no more *res integra*. The Hon'ble Apex Court in **Narinder Singh and others vs. State of Punjab and others, (2014) 6 SCC 466**, framed guidelines for accepting the settlement for quashing the proceedings or refusing to accept the settlement with direction to continue with criminal proceeding. Paragraph Nos. 29.3, 29.4 & 29.5 being relevant are reproduced below:-

> "29.03 Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by Public Servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.
>
> 29.4 On the other, those criminal cases having overwhelmingly and pre-dominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.
>
> 29.5 While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases."

06. In the present case also, the offence alleged against the petitioners does not fall within the offence of heinous nature. Keeping in view the nature of the allegations and the fact that the parties have already settled the matter amicably, and that petitioner No.1 has no objection to the quashing of the impugned FIR and all consequential proceedings emanating therefrom, this Court is of the considered view that continuation of the criminal proceedings would serve no useful purpose.

07. Therefore, in view of the compromise entered into between the parties, there are bleak chances of conviction, rather continuation of criminal proceedings will cause grave injustice to the parties and would amount to abuse of the process of Court, as the parties are no longer interested in pursuing the same.

08. In view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court and to secure the ends of justice, this petition is allowed and Challan/Final Report No. 77/2019 titled *"UT of J&K vs Krishan Lal Alias Happy & Ors"*, arising out of FIR No. 0092/2019 dated 30.06.2019, registered under Sections 451, 354, 323, 147 RPC at Police Station Kahanachak, District Jammu, pending before the Court of learned City Judge, Jammu is quashed.

09. ***Disposed of*** accordingly.

(MOKSHA KHAJURIA KAZMI)
JUDGE

JAMMU
28.10.2026
Vijay

Whether the order is speaking: Yes
Whether the order is reportable: No

Vijay Kumar
2026.10.29 16:42
I attest to the accuracy and
integrity of this document