Serial No. 41

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 574/2026

Date of pronouncement: 23.10.2026
Date of uploading: 27.10.2026

…..Appellant(s)/Petitioner(s)

1. **Kartar Singh**, (59 years)
   S/O Hakam Singh
   R/O Shree, Khellani, Doda
   Tehsil and District Doda.
2. Manjeet Singh, (37 years)
   S/O Rajinder Singh
   R/O Saras, Khellani, Doda
   Tehsil and District Doda.
3. Joginder Singh, (49 years)
   S/O Man Singh
   R/O Shree, Khellani, Doda
   Tehsil and District Doda.
4. Manjeet Singh, (48 years)
   S/O Hakam Singh
   R/O Shree, Khellani, Doda
   Tehsil and District Doda.
5. S.Sanjeet Singh, (42 Years)
   S/O Hakam Singh
   R/O Shree, Khellani, Doda
   Tehsil and District Doda.
6. Sanjeev Kumar, (50 Years)
   S/O Badri Nath
   R/O Shree, Khellani, Doda
   Tehsil and District Doda.

Through: Mr. Dhananjay Kumar Thakur, Advocate

vs

1. **UT of Jammu and Kashmir** through
   Station House Officer, Police Station,
   Doda
2. Ram Lal, (48 Years)
   S/O Hans Raj
   R/O Shree, Khellani
   Tehsil and District Doda,

….. Respondent(s)

Through: Mr. Vivek Mattoo, Advocate vice
Mr. Adarsh Bhagat, GA for R-1
Mr. Prabhat Sangotra, Advocate for R-2

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

ORDER

(23.10.2026)

1. This petition has been filed by the petitioners under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, seeking quashment of chargesheet/challan No. 154/2022 titled *"UT of J&K Vs. Kartar Singh & Ors."* dated 05/10/2022 presented by respondent No. 1 arising out of FIR No. 0121/2022 dated 11.06.2022 under Sections 430, 323, 147, 504 & 506 IPC registered with Police Station, Doda, pending before the Court of learned Judicial Magistrate (Additional Special Mobile Magistrate), Doda.

2. It is stated by learned counsel for the petitioners and the learned counsel appearing for the respondent No. 2 that the parties have entered into a compromise with each other and pray that the petition be allowed. The petitioners as accused and the respondent No. 2-Ram Lal as complainant, were examined by the learned Registrar Judicial. Their statements, in support of the compromise dated 03.06.2026, have been placed on record.

3. Learned counsel for the petitioners/accused and respondent No. 2/complainant, have urged at the Bar that in view of compromise reached between the parties, the petition be allowed, and the impugned FIR and charge sheet, arising out of it, be quashed, to secure the ends of justice.

4. Mr. Vivek Mattoo, Advocate appearing vice Mr. Adarsh Bhagat, learned GA for respondent No. 1-UT of J&K has raised no serious

objection to the plea raised by the learned counsel for the contesting parties, stating that the offences in the charge-sheet arising out of the impugned FIR are of personal nature *inter se* parties due to marital discord.

5. The scope of powers exercisable by the High Court in its inherent jurisdiction under Section 528 of BNSS, 2023 is no longer *res integra.*

(i) The Apex Court in the case reported as Narinder Singh & Ors Vs. State of Punjab & Anr, **2014 (6) SCC 466** has held as under:-

> "35. We have gone through the FIR as well which was recorded on the basis of statement of the complainant/victim. It gives an indication that the complainant was attacked allegedly by the accused persons because of some previous dispute between the parties, though nature of dispute etc. is not stated in detail. However, a very pertinent statement appears on record viz., "respectable persons have been trying for a compromise up till now, which could not be finalized". This becomes an important aspect. It appears that there have been some disputes which led to the aforesaid purported attack by the accused on the complainant. In this context when we find that the elders of the village, including Sarpanch, intervened in the matter and the parties have not only buried their hatchet but have decided to live peacefully in future, this becomes an important consideration. The evidence is yet to be led in the Court. It has not even started. In view of compromise between parties, there is a minimal chance of the witnesses coming forward in support of the prosecution case. Even though nature of injuries can still be established by producing the doctor as witness who conducted medical examination, it may become difficult to prove as to who caused these injuries. The chances of conviction, therefore, appear to be remote. It would, therefore, be unnecessary to drag these proceedings. We, taking all these factors into consideration cumulatively, are of the opinion that the compromise between the parties be accepted and the criminal proceedings arising out of FIR No.121 dated 14.7.2010 registered with Police Station LOPOKE, District Amritsar Rural be quashed. We order accordingly."

(ii) In the case of *"Gian Singh Vs. State of Punjab"* reported in **(2012) 10 SCC 303**, it has been held by the Hon'ble Supreme Court that the High Court, within the framework of inherent power, may quash criminal proceedings if it is satisfied that on the face of such settlement, there is hardly any likelihood of offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.

(iii) In the case of *"Naushey Ali Vs. State of U.P"* reported in **(2025) 4 SCC 78**, there is a clear cut observation by the Hon'ble Apex Court that when the parties have amicably resolved the dispute, proceedings with the trial would be futile and the ends of justice require that the settlement be given effect to by quashing the proceedings, as otherwise, it would be a grave abuse of process particularly when the dispute is settled and resolved.

6. All the offences of which petitioners have been accused and charged in the impugned FIR are of personal nature with no public overtones and in such case the parties should not be discouraged from settling their disputes/offences through mutual compromise.

7. In the background of the aforestated legal enunciations by the Apex Court on the point, it is the duty of this Court to bring quietus to personal disputes, that have already been settled between the parties. This Court in its inherent jurisdiction under section 528 of BNSS,

2023 would consider, the continuation of the criminal proceedings, as an abuse of the process of the court.

8. In view of the law laid down by the Apex Court in the aforementioned cases and in view of the statements having been made by the parties that they have entered into a compromise, the prosecution in the case, would serve no fruitful purpose, as it would ultimately be farce/mock trial, for the purpose of conclusion by asking both the sides to undergo the mill of prosecution. In these circumstances, it would be an abuse of process, as such, quashing of the impugned FIR and charge-sheet arising out of the said FIR, would secure the ends of justice.

9. Viewed thus, the present petition is **allowed**. Impugned FIR No. 0121/2022 dated 11.06.2022 and charge-sheet No. 154/2022 titled *"UT of J&K Vs. Kartar Singh & Ors."* dated 05/10/2022 arising out of it, under Sections 430, 323, 147, 504 & 506 IPC, pending before the Court of learned Additional Special Mobile Magistrate, Doda, are, thus, quashed. A copy of this order shall be forwarded to the trial Court for information and record.

10. The petition is, thus, ***disposed of*** as allowed along with connected application(s).

(M A CHOWDHARY)
JUDGE

Jammu
23.10.2026
Vishal Sharma