Serial No. 42

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

CRM(M) No. 935/2026

Date of pronouncement: 23.10.2026
Date of uploading: 27.10.2026

…..Appellant(s)/Petitioner(s)

1. **Mohd Yaseen** Age 45 years,
   S/O Mohd Younas,
2. Mohd Younas Age 75 years,
   S/O Mohd Kaku,
3. Majeeda Begum Age 66 years,
   W/O Mohd Younas,
   All residents of Shah Talab, Smailpur,
   Tehsil Bari Brahmana District Samba.

Through: Mr. S. M. Wajahat, Advocate

vs

1. **UT of Jammu and Kashmir** through ….. Respondent(s)
   Station House Officer,
   Police Station, Women Cell, Jammu.
2. Sahrish, W/O Mohd Yaseen,
   R/O H.No.3, Mohalla Baba Jeevan
   Shah, Jammu

Through: Mr. Pawan Dev Singh, Dy. AG for R-1
Mr. Vinay Choudhary, 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. 02/2016 titled *"State Vs. Mohd. Yaseen & Ors."* dated 06.01.2016 presented by respondent No. 1 arising out of FIR No. 26/2015 dated 20.05.2015 under Section 498-A/109 RPC registered with Police Station, Women Cell, Jammu pending before the Court of learned Chief Judicial Magistrate, Samba.

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-Sahrish, as complainant, were examined by the learned Registrar Judicial. Their statements, in support of the compromise dated 29.08.2026, have been placed on record.

3. Learned counsel for the petitioners/accused and respondent No. 2/complainant, have stated 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. Pawan Dev Singh, learned Dy. AG appearing 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. Both the offences of which petitioners have been accused and charged in the impugned FIR/chargesheet 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** on the basis of compromise. Impugned FIR No. 26/2025 dated 20.05.2015 and

charge-sheet No. 02/2016 titled *"State Vs. Mohd Yaseen & Ors."* dated 06.01.2016 arising out of it, under Section 498-A/109 RPC, pending before the Court of learned Chief Judicial Magistrate, Samba, 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

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

Whether the order is reportable?: Yes/No

Whether the order is speaking?: Yes/No