Serial No. 104

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

CRM(M) No. 349/2026
CrlM No. 803/2026

Aadil Ahmad Dar and Ors.. .....Appellant(s)/Petitioner(s)

Through: Bilal Ahmad Malla, Advocate.

vs

SHO Police Station Kupwara ..... Respondent(s)

Through: None

CORAM: HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE

ORDER (ORAL)
04.11.2026

01. The petitioners have invoked the jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [BNSS], seeking quashment of final report/challan titled **'Police Station Kupwara Vs. Adil Ahmad Dar'**, arising out of FIR No. 142/2025 dated 17.05.2025 registered with Police Station Kupwara under Sections 85, 115(2) 351(3) of the Bharatiya Nyaya Sanhita, 2023 [BNS].

02. The aforesaid FIR came to be registered by the petitioner No.3 (father of petitioner No.2) on the basis of allegations of harassment allegedly meted out to petitioner No. 2 (wife) by the petitioner No. 1 (husband). During the course of proceedings, the parties are stated to have entered into a compromise, and in this regard, a compromise deed dated 08.05.2026 has been executed and placed on record.

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03. Vide order dated 29.05.2026, the parties were directed to appear before the Registrar Judicial of this Court for recording of their statements in support of the said compromise. In compliance thereof, the petitioners appeared before the Registrar Judicial, and their statements have been recorded in support of the compromise arrived at between the parties.

04. Learned counsel for the petitioners has submitted that as per the petitioners, they have resolved the dispute amicably, as such, the impugned challan/final report may be quashed.

05. Mr. Bilal Ahmad Malla, learned Advocate submitted that appropriate orders as this Court may deem fit, may be passed.

06. Heard and considered.

07. It is well settled that in the cases of disputes which have predominantly civil flavour and where the wrong is basically private or personal in nature and the parties have resolved their entire dispute, the High Court is well within its jurisdiction to quash the criminal proceedings, if it is known that because of the compromise arrived at between the parties, there is remote possibility of securing conviction of the accused. In fact, in such cases, the Supreme Court has clearly observed that it would amount to extreme injustice, if despite settlement having been arrived at by the parties, the criminal proceedings are allowed to continue.

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08. Adverting to the facts of the instant case, it is clear that the parties to the dispute have entered into a compromise, whereby complainant [petitioner No. 3-father of petitioner No.2 (wife)] has decided not to pursue prosecution in the impugned FIR against the petitioner No. 1 (husband). Therefore, once the rival parties have arrived at a settlement, allowing the prosecutions to continue merely if one of the offences alleged against the accused is non-compoundable in nature, would amount to great injustice to both the parties and, in fact, it will amount to frittering away the fruits of compromise that has been arrived at between the parties. The continuance of proceedings against the petitioners, in these circumstances, will be nothing but an abuse of process of law.

09. In view of the above, no useful purpose would be served by continuing the proceedings. Accordingly, a case for interference is made out. In the interest of justice and considering the nature of the proceedings, the impugned FIR No.142/2025 dated 17.05.2025 registered with Police Station Kupwara, along with the final report/challan emanating therefrom titled **'Police Station Kupwara Vs. Adil Bashir Dar'**, is hereby quashed.

10. ***Disposed of***, accordingly.

(Shahzad Azeem)
Judge

Srinagar
04.11.2026
Ishaq

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