

(2025) 10 J&K CK 1153
In the Jammu And Kashmir High Court
Case No : CRM(M) No. 258 Of 2024

Krishan Lal and Anr

APPELLANT

Vs

Union Territory of Jammu and Kashmir and Anr

RESPONDENT

Date of Decision : 17-10-2025

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 147, 201, 323, 341, 382, 427
Arms Act, 1959 — Section 4, 25

Citation : (2025) 10 J&K CK 1153

Hon'ble Judges : Vinod Chatterji Koul, J

Bench : Single Bench

Advocate : Gagan Kohli, P. D. Singh, Shray Bakshi

Final Decision : Disposed Of

Judgement

Vinod Chatterji Koul, J

1. Petitioners have invoked inherent jurisdiction of this Court under Section 482 Cr.P.C seeking quashing of Challan No.79/2022 dated 02.11.2022 under Sections 341, 323, 382, 427, 147, 201 IPC and 4/25 Arms Act, pending disposal before the Court of learned Munsiff/Judicial Magistrate 1st Class R.S.Pura, Jammu along with all consequential proceedings initiated there under.

2. Learned counsel for the petitioners submits that during the pendency of the challan, an amicable settlement has been reached between the petitioners and the complainant-respondent No. 2. In this regard, the petitioners and respondent No. 2 have executed a compromise deed dated 19.03.2024, copy whereof has been placed on record.

3. Precisely, the facts of the case as emerge from the record are that respondent no 2/ complainant filed a complaint against the petitioners and other persons for alleging hurt to her son, namely, Shubam Kumar and further committing theft. An FIR bearing No.0068 dated 22.07.2022 under Sections 323, 382, 427, 147

IPC and 4/25 Arms Act was registered by the Police Station Arnia against the petitioners in this regard. After conducting investigation, a Charge sheet No. 79/2022 dated 02.11.2022 was presented by the respondent No. 1 before the Learned Judicial Magistrate 1st Class R.S.Pura under Section 323, 382, 427, 147, 201 IPC and 4/25 Arms Act against the petitioners and three more persons, namely Shamsheer Singh, Anil Kumar and one Vishal Angural.

4. In support of the compromise deed, statements of the petitioners as well as respondent Nos. 2 have been recorded. Respondent No. 2 submits that she has executed a compromise deed dated 19.03.2024 with petitioners and he has no grievance against the petitioners. She has further stated that he has no objection in case FIR bearing No.0068 dated 22.07.2022 registered at Police Station, Arnia, Jammu and consequent Challan No. 79/2022 dated 02.11.2022 for offences under Section 341, 323, 382, 427, 147, 201 IPC and 4/25 Arms Act, pending adjudication before the Court of learned Munsiff/Judicial Magistrate 1st Class R.S.Pura, Jammu is quashed.

5. This Court, after having carefully perused the compromise, which has been duly effected between the parties, sees substantial force in the prayer having been made by the learned counsel for the petitioners that offences in the instant case can be ordered to be compounded.

6. Since the petition has been filed under Section 482 Cr.P.C, this Court deems it fit to consider the instant petition in the light of the judgment passed by Hon'ble Apex Court in Narinder Singh and others versus State of Punjab and another (2014) 6 Supreme Court Cases 466, whereby Hon'ble Apex Court has formulated guidelines for accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings. Perusal of judgment referred above clearly depicts that in para 29.1, Hon'ble Apex Court has returned the findings that power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under section 320 of the Code. No doubt, under section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. Paragraph Nos. 29.1 to 29.5 are reproduced below:-

29.1 Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2 When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any Court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

"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.

29.04 On the other, those criminal cases having overwhelmingly and predominantly 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.

29.05 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."

9. Therefore, such power is not to be exercised in prosecution cases which involve heinous & serious offences of mental depravity like murder, rape, dacoity, etc.

10. In the present case also, the offences alleged against the petitioners do not fall within the offences of heinous nature of mental depravity, like murder, rape, dacoity, as such, keeping in view the nature of the allegations and considering the fact that they have settled the matter as the parties having specifically agreed that they have no objection if FIR & Challan as stated above are quashed.

11. The possibility of conviction in view of the compromise between the parties, is bleak and continuation of criminal proceedings will cause grave injustice to the parties as the parties are no longer interested in pursuing the same. This Court is of the view that continuation of proceedings in this case would be abuse of process of the Court.

12. In view of the aforesaid discussion as well as keeping in view the law laid down by the Hon'ble Apex Court, this petition is allowed and Challan No.79/2022 dated 02.11.2022 arising out of FIR No. 0068 dated 22.07.2022 registered by Police Station, Arnia, Jammu against petitioners for the commission of aforesaid offences, is quashed.

13. This petition along with connected application(s), if any, stands disposed of as such.