

(2026) 08 J&K CK 0329

In the Jammu And Kashmir High Court, Jammu Bench

Case No : CRM(M) No. 544/2026 CrIM No. 961/2026

Orrin Dev Singh, Vikas Kotwal, Virender Singh

APPELLANT

Vs

U T Of Jammu & Kashmir, Rashpal Singh @ Rachpal Singh

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

BNSS, 2023 — Section 528

IPC — Sections 451, 147, 149, 504 & 506, 504 and 506

Citation : (2026) 08 J&K CK 0329

Hon'ble Judges : M A Chowdhary, J

Bench : Single Bench

Advocate : Mr. Abhimanyu Singh, Advocate. Mr. Nakul Singh, Advocate. Mr. P.D. Singh, Dy. AG for R-1. Mr. Vikram Singh Chib, Adv. for R-2.

Final Decision : Allowed

Judgement

1. This petition has been filed by the petitioners under Section 528 of BNSS, 2023, seeking quashment of FIR No. 44/2022 dated 05.02.2022 for commission of the offences punishable under sections 451, 147, 149, 504 & 506 of IPC registered against the petitioners at Police Station, Domana and the chargesheet No. 783/2024 arising out of it pending adjudication before the court of learned Sub Judge/Special Mobile Magistrate, 13th F.C. Jammu.

2. It is stated by learned counsel for the petitioners/accused and the learned counsel appearing for the respondent No. 2/complainant that the parties have entered into compromise and pray that the petition be allowed on the basis of compromise. Petitioners as accused and the respondent No. 2 as complainant were examined by the learned Registrar Judicial. Their statements, in support of the compromise, have been placed on record.

3. Learned counsel for the petitioners/accused and respondent No. 2/complainant has stated at the Bar that in view of compromise reached between the parties, the petition be allowed, and the impugned FIR and chargesheet arising out of it, along with all the criminal proceedings be quashed, to secure

the ends of justice.

4. Mr. P.D. Singh, learned Dy. AG appearing for the respondent-UT of J&K has raised no serious objection to the plea raised by the learned counsel for the petitioners, stating that the offences in the impugned FIR are of personal nature *inter se* parties.

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*. 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."

6. 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. 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.

7. All the offences of which petitioners have been accused 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.

8. In view of the aforesaid legal enunciation by the Apex Court on the point, it is the duty of this Court to being 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.

9. 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 chargesheet along with all the criminal proceedings arising therefrom would secure the ends of justice.

10. Viewed thus, the present petition is allowed. Impugned FIR No. 44/2022 dated 05.02.2022 for offences punishable under sections 451, 147, 149, 504 and 506 of IPC registered at Police Station, Domana and chargesheet No. 783/2024 pending adjudication before the court of learned Sub Judge/Special Mobile Magistrate 13th F.C., Jammu along with all criminal proceedings arising therefrom are, thus, quashed. A copy of this judgment shall be forwarded to the trial court for information and record.

11. The petition is, thus, disposed of as **allowed** alongwith application(s).