

S. No.168
Regular list

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM(M) 45/2026 CrIM(95/2026)

1. Rameez Raja Wani aged 30 years
S/O Late Nazir Ahmad Wani
R/o Saderkote Bala
Tehsil Sumbal Bandipora
2. Abdul Majeed Sofi aged 48 years
S/O Gh. Ahmad Sofi
R/O Bagwaan Mohalla Safapora
3. Mohd. Amin Sofi aged 37 years
S/O Ab. Ahad Sofi
R/O Bagwaan Mohalla
Safapora, Ganderbal
4. Mohd. Dilawar Bhat aged 59 years
S/O Ali Mohd. Bhat
R/O Bagwaan Mohalla
Safapora Ganderbal
5. Noor Din Wani aged 48 years
S/O Gh. Mohammad Wani
R/O Saderkote Bala
Sumbal Bandipora
6. Fareed Begum aged 40 years
W/O Late Nazir Ahmad Wani
R/O Saderkote Bala
Sumbal Bandipora
7. Rukhsana Begum aged 30 years
W/O Khursheed Ahmad Kuchay
R/O Gratbal Safapora Ganderbal

Appellant(s)/Petitioner(s)

Through: Mr. Bhat Khursheed, Advocate.

Vs.

1. Station House Officer
Police Station Safapora, Ganderbal
2. Khursheed Ahmad Kuchay
S/O Ali Mohammad Kuchay
R/O Gratbal Safapora Ganderbal

...Respondent(s)

Through: Mr. Faheem Nisar Shah, GA for R-1.

Mr. Mohammad Rafeeq Rather, Adv for R-2.

CORAM: HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE

ORDER
20.05.2026

1. The present petition has been filed under Section 528 of the
Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashment of

FIR No. 04 of 2023 dated 29.01.2023 registered at Police Station Safapora, District Ganderbal, for offences punishable under Sections 147, 254 and 323 IPC, together with all consequential proceedings arising therefrom.

2. It has been pleaded that the petitioner No. 7 was lawfully married to the respondent/complainant in accordance with Muslim Personal Law in the year 2015 and out of the said wedlock, two children were born, who are the legitimate offspring of the parties; that certain matrimonial disputes and domestic misunderstandings subsequently arose between Petitioner No. 7 and the complainant/respondent, owing to which the private respondent lodged a complaint before the respondent police. Acting upon the said complaint, FIR No. 04 of 2023, came to be registered at Police Station Safapora, Ganderbal under Sections 147, 254 and 323 IPC against the petitioners, on 29.01.2023.
3. It is the case of the petitioners that the impugned FIR was registered in a mechanical manner without fair, proper and impartial investigation and without appreciating the essentially matrimonial and private nature of the dispute between the parties. Pursuant to registration of the FIR, investigation was conducted and the challan came to be presented before the Court of learned Special Mobile Magistrate, Ganderbal, where the proceedings are stated to be pending adjudication.
4. During the pendency of the criminal proceedings, the parties, with the intervention of relatives, family members and respectable persons of the society, amicably resolved all their disputes and differences.

Consequent upon the settlement, matrimonial harmony between Petitioner No. 7 and the respondent-complainant stands restored.

5. It has been specifically pleaded that the respondent-complainant and Petitioner No. 7 have voluntarily resumed cohabitation and are presently residing together happily as husband and wife, along with their children, thereby restoring conjugal relations and family life. The settlement arrived at between the parties is stated to be voluntary, genuine and without any coercion or undue influence. The respondent-complainant has no surviving grievance against the petitioners and is no longer interested in prosecuting the criminal proceedings, arising out of the impugned FIR.
6. The petitioners have further pleaded that continuation of the impugned FIR and consequential criminal proceedings, despite complete settlement and restoration of matrimonial relations, would serve no fruitful purpose and would amount to abuse of the process of law, particularly when the dispute is purely matrimonial and private in nature and does not involve any offence affecting society at large or any heinous criminality.
7. It has also been lastly pleaded that continuation of the proceedings would unnecessarily perpetuate bitterness between the parties, disturb the restored matrimonial harmony and defeat the very object of reconciliation and family settlement; that Petitioner No. 1 has been selected for appointment, however, on account of the pendency of the impugned FIR and criminal proceedings, he is being deprived of joining the service, thereby causing serious prejudice to his career and future prospects.

8. The parties have placed on record a compromise deed dated 24.02.2026, executed voluntarily and without any coercion, whereby the complainant/respondent No. 2 and the accused/petitioners have amicably resolved all their disputes, arising out of matrimonial discord. The compromise deed reveals that the impugned FIR came to be lodged in the heat of the moment on account of verbal altercation between his wife and Petitioner No. 7, and that the other petitioners, being close relatives of Petitioner No. 7, were also arrayed as accused persons. It is further recorded in the compromise deed that the parties have restored cordial relations, are residing together peacefully as husband and wife, and that the complainant no longer wishes to pursue the case arising out of impugned FIR or the consequential criminal proceedings against the petitioners. The compromise deed further records that the statements of the material witnesses, do not disclose anything adverse against the petitioners and that the settlement has been entered into by the parties, after fully understanding and accepting its terms and conditions.

9. Pursuant to the directions of this Court, the parties appeared before the learned Registrar Judicial of this Court for their examination in support of the compromise. Statements of the parties have been placed on record, wherein they have unequivocally stated that the compromise has been entered into voluntarily, out of their free will and without any coercion or undue influence. Respondent No.2-complainant, Khursheed Ahmad Kuchay has further stated that he does not intend to pursue the proceedings arising out of FIR No.

04/2023 and has no objection, in case the same are quashed along with all consequential proceedings.

10. Learned counsel for the petitioners submits that continuation of criminal proceedings after settlement between the parties would amount to abuse of process of law and would serve no fruitful purpose. Learned counsel further submits that the dispute essentially arose out of matrimonial discord and has now been amicably settled.

11. Learned counsel for the respondent-UT of J & K submits that in view of the compromise reached between both the parties-complainant and the accused and nature of the offences involved, the UT of J & K shall have no objection for consideration of the matter, in accordance with law.

12. Learned counsel appearing for respondent No.2 also admits the factum of compromise and submits that respondent No.2 has no objection to the quashment of the impugned FIR, chargesheet arising out of it and proceedings thereon.

13. Heard learned counsel for the parties, perused the record and considered the matter.

14. It is well settled that the High Court, in exercise of its inherent jurisdiction, can quash criminal proceedings, where the parties have settled their disputes and continuation of proceedings would amount to abuse of process of law, particularly in cases arising out of matrimonial disputes having overwhelmingly personal and private character. The Hon'ble Supreme Court in **Gian Singh v. State of Punjab & Anr.** reported as **2012 (10) SCC 303** has held that criminal

proceedings arising out of matrimonial and family disputes can be quashed where parties have resolved their disputes amicably and the possibility of conviction is remote and bleak. Relevant extract is reproduced hereunder:-

“...The power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like [Prevention of Corruption Act](#) or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavor stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to

great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding...”

15. This Court is satisfied that the compromise arrived at between the parties is genuine, voluntary and intended to bring quietus to the entire dispute.

16. Accordingly, the petition is **allowed**. The impugned **FIR No. 04/2023** dated 29.01.2023, registered with Police Station Safapora Ganderbal, chargesheet arising out of it, for the commission of the offences under Sections 147, 254, 323 IPC pending on the files of the court of learned Special Mobile Magistrate Ganderbal, along with all consequential proceedings are hereby quashed.

17. **Disposed of** along with pending application(s).

(MA CHOWDHARY)

JUDGE

SRINAGAR

20.05.2026

“Hilal”