

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

**CRM(M) 435/2026
CrIM(994/2026)**

Harleen Singh Sagar.

...Petitioner(s)

Through: Mr. Naveed Bukhtiyar, Advocate.

Vs.

**Union Territory Through Police Station
Nishat & Another.**

...Respondent(s)

Through: Ms. Saniya Noor, Advocate for R-2.

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

ORDER

04.07.2026

01. The petitioner has invoked the extraordinary jurisdiction of this Court under Section 528 of Bharatiya Nagarika Suraksha Sanhita (BNSS), 2023 seeking quashing of FIR No. 19/2026 dated 29th March, 2026 registered at Police Station Nishat, for the commission of offence punishable under Section 109 of the Bharatiya Nyaya Sanhita (BNS) as well as the resultant charge sheet bearing No. 603/2026 pending disposal before the court of learned Principal Sessions Judge, Srinagar.

02. The contention of the petitioner is that the parties have already entered into compromise and, therefore, chances of conviction are very bleak.

03. Since the controversy lies in a short compass, therefore, with the consensus of the learned counsel for the parties, the instant petition is taken up for disposal at the very threshold.

04. Admittedly, the offence under Section 109 of BNS is not compoundable, even with the permission of the court and as per

the version of the petitioner, the final charge sheet has already been filed before the competent court of law and the matter is awaiting framing of formal charges.

05. Once the investigation has been concluded into the matter and material collected during the course of investigation by the police in furtherance of its statutory duty, particularly in a non-compoundable offence, it would be appropriate for the parties to appear before the competent court of law, where charge sheet has been laid, rather than to invoke the extraordinary jurisdiction of this Court, particularly when no exceptional ground has been pleaded to circumvent the duly invested jurisdiction of the trial court. The inherent powers under section 528 BNSS are to be used sparingly and not as a substitute for regular trial proceedings, particularly in non-compoundable offence carrying punishment for life or for a period which may extend to ten years.

06. In this view of the matter, this petition is disposed of with a direction that the learned trial court, shall without any delay, hear the parties on charge/discharge. In the event, the accused pleads not guilty, the learned trial court at the first instance shall record the statement of the complainant and star witnesses in one calendar. Thereafter, if need arises, proceed with the matter. In case, the statement of the complainant is sufficient to conclude the trial, the trial court may truncate the proceedings in terms of Section 255 of the BNSS.

07. Accordingly, the petition is *disposed of* along with connected application(s), in the manner indicated above.

(SHAHZAD AZEEM)
JUDGE

SRINAGAR:

04.07.2026

"Hamid"