

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

CRM(M) No.1336/2025
CrIM No.2476/2025
CrIM No.698/2026

Sushma Sharma & Ors.

.....Petitioner/Appellant(s)

Through: Mr. Jatinder Chouudhary, Advocate with
Mr. Sanjeet Kumar, Advocate and
Mr. Kheem Chand, Advocate.

Vs

UT of J&K & Anr.

..... Respondent(s)

Through: Mr. Pawan Dev Singh, Dy.AG.

CORAM: HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

- 01.** Petitioners have invoked inherent jurisdiction of this Court for the quashment of FIR No.92/2016 for offences under Sections 341/323/452/147/148/34 RPC and 4/25 of the Arms Act, primarily on the ground of amicable settlement with respondent No.2-the complainant, at whose instance impugned FIR came to be registered.
- 02.** The plea has been opposed on the other side by learned Dy.AG appearing for the official respondent on the ground that offence under Sections 4/25 Arms Act cannot be compounded by the complainant.
- 03.** Hon'ble Supreme Court in "*Narinder Singh & Ors. V. State of Punjab & Anr.*"; 2014(6) SCC 466 laid down the guidelines for quashment of criminal proceedings after amicable settlement between the parties. These guidelines captured in para 29 for the facility of reference are extracted below:

“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the

proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

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 of the High is to form an opinion on either of the aforesaid two objectives.

29.3 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 the 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.

29.4 On the other hand, 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.

29.5 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.”

- 04.** It is evident from a plain reading of the above exposition of law by Hon'ble Supreme Court that inherent power of the High Court is different from the power of the trial Courts to compound offences. The High Court in exercise of its inherent jurisdiction is vested with jurisdiction to quash criminal proceedings, even in non-compoundable cases, if parties have resolved their issues and misunderstandings. The guiding factor in such cases is to secure; (i) ends of justice, or (ii) to prevent the abuse of process of any Court.
- 05.** The exceptions to the above jurisdiction of High Court is regarding the prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Similarly offences allegedly committed under the special statute like the Prevention of Corruption Act or offences committed by public servants while working in that capacity because such offences are not private in nature and have serious impact on the society.
- 06.** In nutshell, it was clarified by Supreme Court that if possibility of conviction is remote and bleak, continuation of criminal prosecution shall be an abuse of the process of law because it would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.
- 07.** In the present case, statements of the petitioners and private respondent, at whose instance impugned FIR came to be registered have been recorded before learned Registrar Judicial of this Court. The complainant has stated that he has reached at an amicable settlement with the petitioners/accused persons. They have resolved all the disputes, issues and misunderstandings and now he has no objection

to the quashment of impugned FIR. Parties have been identified by their respective counsels. The offences alleged against the petitioners do not fall under the category of heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc or offences committed under the special statute like Prevention of Corruption Act, etc. Since parties have arrived at amicable settlement and complainant has no objection to the quashment of impugned FIR, there is remote possibility of conviction of the petitioners and continuation of criminal proceedings would amount to an abuse of the process of law.

08. Hence present petition is allowed and impugned FIR is quashed.
09. *Disposed of* along with connected application(s).
10. Interim direction, if any, shall stand vacated.

Jammu
12.05.2026
Eva

