

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

WP(C) No. 280/2020  
CM No. 526/2020

Shabina Nazmi

.... Petitioner(s)

Through:- Mr. Mohd. Shakir Hussain, Advocate vice  
Mr. Mehmood Ul Haque, Advocate

V/s

Union Territory of J&K & ors.

.....Respondent(s)

**Coram : HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE**

**JUDGMENT**

**01.** Petitioner seeks mandamus directing the Chief Judicial Magistrate, Rajouri to entertain the application and allow her to compromise in a Challan No. 138/2010 in which respondent No. 5 is charged under Sections 452/323 RPC.

**02.** The case of the petitioner is that on the basis of the report filed by her, an FIR No. 355 dated 22.11.2009 under Sections 452/323 RPC was registered which is pending disposal in the Court of learned Chief Judicial Magistrate, Rajouri.

**03.** The petitioner is a wife of elder brother of respondent No. 5. A case under Sections 451/323 RPC was registered by the petitioner. The only relief claimed by the petitioner is that the learned Chief Judicial Magistrate, Rajouri be directed to entertain the application annexed with compromise agreement and allow her to compromise.

**04.** However, neither any document evidencing the charge framed has been produced nor the order of the trial Court before which an application is said to have been filed is placed on record. The petitioner should have at least produced the order of rejection of the application.

**05.** It is admitted by the petitioner in the compromise agreement that the challan was produced under Sections 451/323 RPC. It is difficult to gather the fact that how the petitioner has stated that the compromise involves an offence under Section 452 RPC.

**06.** Although offence under Section 451 RPC as stated in the agreement is compoundable with the permission of the Court. It is doubtful whether the petitioner has approached the Court with an application seeking permission of the Court for compounding the offences. However, in case the charge has been framed under Section 452 RPC, it was necessary to produce record of that date when the charge was framed.

**07.** The instant petition without the order of the trial Court cannot be entertained. Even otherwise, the writ petition under Section 226 of the Constitution of India is also not maintainable on the basis of a bald statement, that is, case is pending and Court below should be directed to entertain the application for compromise when there is record available to substantiate the allegations.

**08.** In view of the above, there is no merit in this petition, which is, accordingly, **dismissed**. The petitioner, however, may approach the Court of learned Chief Judicial Magistrate, Rajouri for seeking permission of the Court for compromise.

**(Sindhu Sharma)**  
**Judge**

JAMMU  
29.01.2020  
*Ram Murti*

Whether the order is speaking	:	Yes
Whether the order is reportable	:	Yes/No.