

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

**Case:-CRM(M) No. 975/2023
CrIM No. 1946/2023**

1. Naresh Sabharwal, Age 51 years S/o Sudesh
Sabharwal R/o H. No. 24 Partap Garh A/p Chatha
Pind, Jammu. Petitioner(s)
2. Sudha Sabharwal, Age: 48 years W/o Sheikh Parvez
Ahmed R/o H. No. 160 Mohalla Ustad, Jammu.

Through :- Mr. Anil Sethi, Advocate.

V/s

1. UT of Jammu and Kashmir through SHO
Police Station, Women Cell, Jammu. Respondent(s)
2. Nishu Gupta (Nishu Sabharwal) W/o Naresh
Sabharwal D/o Madan Lal Gupta R/o H. No.
245, Exchange Road, Jammu.

Through :- None.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
29.12.2023

1. The petitioner No. 1-Naresh Sabharwal is married to one Nishu Sabharwal (Gupta), daughter of Sh. Madan Lal Gupta. The marriage between the two is of 29.04.2004 in accordance with Hindu rites and customs. The matrimonial relationship between the two did not go well resulting in respondent No. 2- Nishu Sabharwal (Gupta) registering an FIR No. 07/2008 dated 15.03.2008 for alleged commission of offences under Sections 498-A/500/420/406/109 of the Ranbir Penal Code read with Sections 3/5/6 of the Protection of Women from Domestic Violence Act, 2005 with Police Station, Women Cell, Jammu.
2. The investigation of the aforesaid FIR resulted in presentation of a Final Police Report/Challan No. 11/2008 dated 03.06.2008 for commission of

offences under Sections 498-A/109/406 of the Ranbir Penal Code against the petitioner No. 1-Naresh Sabharwal, his mother-Lalita Sabharwal and sister-Sudha Sabharwal. This Police Report/Challan came to be taken cognizance by the Court of learned Special Municipal Magistrate, Jammu on file No. 68/Challan titled as **“State Vs. Naresh Sabharwal and ors”** by virtue of an order dated 04.06.2012.

3. The said criminal case based upon the said Police Report came to be challenged by the petitioners' No. 1 and 2 joined with their mother-Lalita Sabharwal in a petition-CRMC No. 333/2012 in which this Court came to direct issuance of a notice to the other side. This petition remained pending on the docket of this Court for a period lasting eight (8) years when on the purported statement of the associate of the counsel for the petitioners, the case came to be withdrawn as not pressed in terms of an order dated 19.06.2020.
4. During the pendency of the aforesaid petition, the petitioners' mother-Lalita Sabharwal is said to have demised.
5. Through the medium of the present petition, the petitioners came forward seeking revival of the said petition-CRMC No. 333/2012. This Court came to put the respondents to notice. Respondent No. 2 is Nishu Gupta (Sabharwal) who came to be impleaded in terms of an order dated 22.11.2023.
6. The petitioner No. 1-Naresh Sabharwal and the respondent No. 2-Nishu Gupta (Sabharwal) are said to have entered into a compromise duly notarized on 29.12.2023 in terms whereof they have agreed to resume their matrimonial relationship for the sake of betterment of their marital life and

to this effect, the written Compromise Deed has been placed on record of this case on the basis of which the petitioner No. 1-Naresh Sabharwal and the respondent No. 2-Nishu Gupta (Sabharwal) urged this Court to quash the aforementioned criminal case No. 68/Challan read with Police Report No. 11/2008 and FIR No. 07/2008 of Police Station, Women Cell, Jammu.

7. This Court, considering the fact that the petitioner No. 1 and the respondent No. 2 have resolved to re-start their marital life as such this Court sees no reason to disallow the present petition. Accordingly, this Court quashes criminal case No. 68/Challan read with Police Report No. 11/2008 and FIR No. 07/2008 of Police Station, Women Cell, Jammu.
8. Disposed of accordingly along with connected application(s)



(RAHUL BHARTI)
JUDGE

JAMMU
29.12.2023
Naresh/Secy