

After investigation of the case, offences under Sections 406, 498-A and 201 of IPC were found established against the accused and the challan was accordingly laid before the trial court.

3) It seems that during pendency of the aforesaid proceedings, the parties have entered into a compromise. They have produced a copy of the compromise deed before this Court.

4) In support of the deed of compromise, the statements of the petitioner No.1 and the complainant Jameela (respondent No.3 herein) have been recorded by the Registrar Judicial wherein they have stated that they have amicably settled their dispute and that they have no grievance against each other. Complainant/respondent No.3 has stated that she does not want to pursue the criminal proceedings against the accused.

5) The petitioners have contended that so far as the case arising out of impugned FIR is concerned, the same could not be compounded because some of the offences disclosed therein are non-compoundable in nature. It is in these circumstances that the petitioners have approached this Court for seeking quashment of the aforesaid FIR and the proceedings emanating therefrom.

6) Heard and considered.

7) So far as the facts mentioned in the compromise deed, are concerned, the same are not in dispute. In the backdrop of aforesaid facts, the question arises as to whether this Court has power to quash the

proceedings, particularly when some of the offences alleged to have been committed by the accused are non-compoundable in nature.

8) It is a settled law that the offences arising out of the disputes where the wrong is basically private or personal in nature like disputes arising out of matrimony and the parties have resolved their entire dispute, the High Court will be within its jurisdiction to quash the criminal proceedings, particularly when, as a consequence of the compromise arrived at between the parties, there is remote possibility of securing conviction of the accused. In my aforesaid view, I am fortified by the judgments of the Supreme Court in the cases of **Gian Singh. v. State of Punjab & another, (2012) 10 SCC 303** and **Narinder Singh & Ors. Vs. State of Punjab & anr, (2014) 6 SCC 466.**

9) Adverting to the facts of the instant case, it is clear that the parties have entered into a compromise wherein the complainant has categorically stated that she is not willing to pursue the impugned criminal proceedings and that the parties have settled their disputes amicably. It is also pertinent to mention here that the petitioners and the complainant are closely related to each other and the offences alleged exclusively arise out of matrimonial dispute between the complainant and her husband and in-laws. In these circumstances, if an end is not put to the criminal proceedings, it would amount to giving a fresh lease of life to the dispute between close relatives which has been settled by them amicably. It will amount to frittering away of the fruits of compromise that has been arrived at between the parties. The continuance of criminal

proceedings against the accused/petitioners in these circumstances, will be nothing but an abuse of process of law.

10) For the foregoing discussion, the petition is allowed and the criminal proceedings/challan arising out of FIR No. No.15/2021 for offences under 498A, 406 and 201 of IPC registered with P/S Women's, Rambagh Srinagar against petitioners are quashed.

(Sanjay Dhar)
Judge

Srinagar
26.12.2024
"Bhat Altaf-Secy"

Whether the order is reportable: **Yes/No**

