

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 68/2025

Esha Sharma

.... Petitioner/Appellant(s)

Through:- Mr. Manik Bhardwaj, Advocate

V/s

UT of J&K & Ors.

.....Respondent(s)

Through:- Mr. P.D. Singh, Dy. AG

CORAM :

HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER

07.10.2025

1. Petitioner has invoked inherent jurisdiction of this Court under Section 528 BNSS seeking quashing of Challan No. 09/2020 filed by respondent No. 1 against respondent No. 2 under Section 498-A IPC subjudice before the Court of learned Electricity Magistrate, Jammu, with all consequential criminal proceedings initiated thereunder.
2. The marriage of the petitioner was solemnized with respondent No. 2 on 02.08.2018. The respondent Nos. 3 and 4 are the father-in-law and mother-in-law of the petitioner. The behavior of respondent Nos. 2 to 4 was cordial with the petitioner but after some time, respondent Nos. 2 to 4 started treating the petitioner with cruelty, therefore, the petitioner filed a complaint before Police Station Women Cell Jammu. The respondent No. 1 registered FIR under Section 498-A, 109 IPC against respondent Nos. 2 to 4 being FIR

No. 08 of 2020. After completion of the investigation, respondent No. 1 has filed challan against respondent Nos. 2 to 4 which is subjudice before the Court of learned Electricity Magistrate, Jammu.

3. The petitioner has filed complaint under Section 12 of the Domestic Violence Act against respondent Nos. 2 to 4 which is subjudice before the Court of learned Munsiff, Jammu. The petitioner has filed petition before the Court of learned Addl. Principal Judge Family Court, Jammu. The petitioner also filed petition under Section 9 of the Hindu Marriage Act against respondent No. 2. It is further submitted that the matrimonial dispute going on between petitioner and respondent Nos. 2 to 4 has now been amicably settled.
4. Statement of the petitioner as well as respondent Nos. 2 to 4 have been recorded. Petitioner submits that she amicably resolved all disputes between the petitioner and respondents Nos. 2 to 4. Petitioner further submits that she has no grievance against the aforementioned respondents (i.e. Respondent nos. 2 to 4). She submits that she does not want to peruse the above mentioned FIR and challan No. 09/2020, pending adjudication before the Court of Learned Electricity Magistrate, Jammu.
5. This issue regarding quashing of proceedings arising out of matrimonial dispute on the ground of settlement/compromise is to be encouraged by this Court to put an end to all disputes as held in **B.S. Joshi & ors. Vs. State of Haryana & anr., (2003) 4 SCC 675**

and Yashpal Chaudhrani & ors. State (Govt. of NCT Delhi) & anr. 2019 SCC Online Del 8179.

6. In **Jitendra Raghuvanshi & ors. Vs. Babita Raghuvanshi & anr.**, 2013 0 Supreme (SC) 247, the Hon'ble Apex Court has held in Para 12 as under:

12. In our view, it is the duty of the Courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the Court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.”

7. Having heard learned counsel for the petitioners and to pursue quietus to the controversy and amicable settlement between the parties, no useful purpose would be served in continuation of this petition. Similar issue was considered by the Hon'ble Apex Court in **Narinder Singh & ors. Versus State of Punjab & ors.**, (2014) 6 SCC 466, vide which the guidelines were framed for accepting the settlement, for quashing the proceedings or refusing to accept the settlement with direction to continue with criminal proceedings.

Paragraph Nos. 29.3, 29.4, & 29.5 are reproduced below:-

“29.03 Such a power is not 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 offences alleged to have been committed under special status 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.

29.04 On the other, those criminal cases having overwhelmingly, and pre-dominantly 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.

29.05 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.”

8. Therefore, such power is not to be exercised in prosecution cases which involve heinous & serious offences of mental depravity like murder, rape, dacoity, etc.
9. In the present case also, the offences alleged against the respondent Nos. 2 to 4 do not fall within the offences of heinous nature of mental depravity, like murder, rape, dacoity, as such, keeping in view the nature of the allegations and considering the fact that they have settled the matter as the parties having specifically agreed that they have no objection if FIR & challan as stated above are quashed.
10. The possibility of conviction in view of the compromise between the parties, is bleak and continuation of criminal proceedings will cause grave injustice to the parties as the parties are no longer interested in pursuing the same. The Court is of the view that continuation of proceedings in this case would be abuse of process of the Court.

11. In view of the aforesaid discussion as well as keeping in view the law laid down by the Hon'ble Apex Court, this petition is allowed and Challan No. 09/2020 filed by respondent No. 1 against respondent No. 2 under Section 498-A IPC subjudice before the Court of learned Electricity Magistrate, Jammu, with all consequential criminal proceedings initiated thereunder, is quashed.
12. This petition along with the connected application(s), if any, stands **disposed of** as such.

(VINOD CHATTERJI KOUL)
Judge

JAMMU
Amit
07.10.2025.

