

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

CRM(M) No. 152/2025

1. Malkeet Singh, Age 30 years
S/O Lt. S. Paramjeet Singh,
R/O Village Dablehar,
Tehsil R.S. Pura,
District Jammu
2. Sulinder Kour, Age 59 years
W/O Lt. S. Paramjeet Singh,
R/O Village Dablehar,
Tehsil R.S. Pura,
District Jammu
3. Iqbal Singh, Age 35 years,
S/O Lt. S. Paramjeet Singh,
R/O Village Dablehar,
Tehsil R.S. Pura,
District Jammu
4. Gurjeet Kour, Age 26 years,
W/O S. Iqbal Singh,
R/O Village Dablehar,
Tehsil R.S. Pura,
District Jammu

.....Petitioner(s)

Through: Mr. Mohd. Anwar Chowdhary, Advocate.

Vs

1. The U.T. of J&K through
Its Additional Chief-
Secretary (Financial
Commissioner),
Home Department, Civil
Secretariat, Jammu-180001.
2. The Station House Officer,
Police Station, Women Cell,
Gandhi Nagar, Jammu-
180002.

3. Lakhwinder Kour,
D/O S. Gian Singh,
W/O S. Malkeet Singh,
R/O Village Dablehar,
Tehsil R.S. Pura,
District Jammu

..... Respondent(s)

Through: Mr. Pawan Dev Singh, Dy. AG for R-1 & 2.
Ms. Supriya Chouhan, Advocate for R-3.

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

ORDER

07.03.2025

1. This petition has been filed by the petitioners under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), seeking quashment of FIR No. 0024/2023 dated 25.04.2023 under Sections 498-A and 109 IPC registered at Police Station, Women Cell, Gandhi Nagar, Jammu, against the petitioners at the behest of respondent No. 3, asserting therein that the marriage between the petitioner No. 1 and the respondent No. 3 was solemnized on 23.01.2022 according to Sikh rites and rituals and in presence of both the families and their relatives and there is no issue born out of the said wedlock; that soon after the marriage, certain misunderstanding and serious differences cropped up between the couple, which resulted into a matrimonial dispute and since then, they started living separately from each other and despite several meetings of the elders and relatives, the same could not be

resolved leading to filing of several cases, in civil and criminal courts and Police Station at Jammu and R.S. Pura and before Army Authorities also, by both the petitioner No. 1 and respondent No. 3 against each other and against their families.

2. It has been alleged that the impugned FIR No. 0024 dated 25.04.2023 was registered at Police Station, Women Cell, Gandhi Nagar, Jammu under Sections 498-A and 109 IPC against the petitioners at the behest of the respondent No. 3, resulting into charge-sheet No. 949/2023 dated 10.07.2023 under Sections 498-A and 109 IPC titled "*UT of J&K V/s Malkeet Singh & Ors.*" sub-judice in the Court of learned Special Mobile Magistrate, Passenger Tax, Jammu, is nothing but an off-shoot of such a matrimonial discord.

3. It has been further asserted by the petitioners that the petitioner No. 1, who is a member of Indian Army, and his wife i.e. respondent No. 3, have resolved their matrimonial dispute with the intervention of Commanding Officer of Petitioner No. 1 and legal counsel of respondent No. 3 and now they both are living happily together in the Army's Government Quarter allotted to the petitioner No. 1 in West Bengal where the petitioner is presently posted; that the parties have also entered into a compromise, which has been reduced into writing on 24.01.2024, that they shall live

peacefully and amicably, hence, the petitioners are seeking the indulgence of this Court for quashment of the impugned FIR No. 0024 dated 25.04.2023 registered at Police Station, Women Cell, Gandhi Nagar, Jammu under Sections 498-A and 109 IPC registered against the petitioners at the behest of the respondent No. 3 and also the proceedings/challan/charge-sheet/final report No. 949/2023 dated 10.07.2023, Sections 498-A and 109 IPC titled "*UT of J&K V/s Malkeet Singh & Ors.*" sub-judice in the Court of Learned Special Mobile Magistrate Passenger Tax, Jammu, particularly, in view of the settlement arrived amongst the parties which led to the execution of compromise deed dated 24.01.2024.

4. This Court, vide order dated 25.02.2025, directed examination of the parties in support of the compromise placed on record. The statements of the petitioner No. 1 and respondent No. 3 have been recorded, who have supported the contentions made in the compromise. The other parties have also filed their sworn affidavits in support of the compromise. The parties have been identified by their respective counsel.
5. It is stated by learned counsel for the petitioners and the learned counsel appearing for respondent No. 3 that the

parties have compromised with each other and prayed that the petition be allowed. The State counsel also did not raise any serious objections to the plea raised by the learned counsel for the private parties. Their statements are taken on record.

6. Since the petitioners, who are accused in a case registered at the instance of respondent No. 3, who is the wife of petitioner No. 1, have resolved their dispute by entering into a compromise, no purpose shall be served in case the FIR in question is not quashed by this Court and the parties are made to run through the mill of trial before a court which shall be almost a mock trial resulting into acquittal wasting the time of the parties and serving no cause of justice.
7. The scope of powers exercisable by the High Court in its inherent jurisdiction under Section 482 of the Code of Criminal Procedure is no longer res integra. The Apex Court in the case reported as **B.S. Joshi & Ors v. State of Haryana & Anr, (2003 Cri.L.J. 2028)** held as under:-

“14. There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punishing a husband and his relatives who harass or torture the

wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counter productive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XXA of Indian Penal Code.

15. In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code.”

The aforesaid view of the Apex Court in the judgment (supra) has subsequently been reiterated in **Narinder Singh & Ors vs. State of Punjab & Anr, (2014(6) SCC 466)**.

8. In view of the law laid down by the Apex Court in the aforementioned cases and in view of the statements having been made by learned counsel for the parties that the parties have entered into a compromise, the investigation in the FIR in question would serve no fruitful purpose. The present petition is allowed. Impugned FIR No. 0024 dated 25.04.2023 registered at Police Station Women Cell, Gandhi Nagar, Jammu under Sections 498-A and 109 IPC, as also the proceedings/challan/charge-sheet/final report No. 949/2023 dated 10.07.2023, under Sections 498-A and 109 IPC titled “*UT of J&K V/s Malkeet Singh & Ors.*” sub-judice

in the Court of Learned Special Mobile Magistrate Passenger
Tax, Jammu, are also quashed.

9. ***Disposed of***, accordingly.

(M A CHOWDHARY)
JUDGE

JAMMU
07.03.2025
SUNIL

Whether the order is speaking: **Yes**
Whether the order is reportable: **Yes**

