Sr.No.150

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRMC No.448/2016
CrlM No. 863/2024 &
IA No.1/2016

1. **Pawan Gambhir, Age 33 years**
   S/O Sh. Anil Kumar,
   R/O 720, Bhagwati Nagar,
   Tehsil & District Jammu.
2. Rajni, Age 54 years
   W/O Anil Kumar
   R/O 136 Moti Bazar, Jammu.
3. Radhika, Age 33 years
   W/O Sh. Sandeep Raina
   R/O 1-C Prem Nagar,
   Miran Sahib, Jammu.
4. Karan Mahajan, Age 38 years
   S/O late Sh. Raj Kumar
   R/O 120 Peer Mitha, Jammu.

…. Petitioner(s)

Through:- Mr. Rahul Pant, Sr. Advocate with
Mr. Anirudh Sharma, Advocate.
Mr. Aseem Sawhney, Sr. Adv., with
Mr. Shabab Malik, Advocate.
Petitioner No.1-in-person.

V/s

1. **State** through SHO
   P/S City Jammu.
2. Deepika Gambhir
   W/O Pawan Gambhir
   R/O 258 Partap Garh Mohalla,
   Jammu

….Respondent(s)

Through:- Mr. P.D Singh, Dy. AG for R-1.
Mr. Anil Gupta, Advocate for R-2.
Respondent No.2-in-person.

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

ORDER
22.09.2025

1. Petitioners, through the medium of this petition under Section 561-A of the J&K CrPC (akin to section 482 CrPC and 528 of BNSS), seek

quashment of FIR No.32/2016 dated 12.08.2016 registered with Police Station, Women Cell Jammu for the commission of offences punishable under sections 498-A/109 RPC, along with consequential proceedings initiated thereunder and order dated 10.08.2016 as well as order dated 28.06.2016 passed by the court of learned Judicial Magistrate (City Judge), Jammu.

2. Pursuant to notices, the respondent No.1-Station House Officer, Police Station City Jammu has filed objections/status report controverting the assertions made in the petition by the petitioners and seeks dismissal of the same, however, the contesting respondent No.2 has chosen not to file objections. It is contended in the objections that the petitioners have failed to make a case under section 482 CrPC and the inherent powers under section 561-A may be exercised to secure the ends of justice rarely and sparingly in exceptional cases; that the petitioners may lead their evidences before the trial court and no good ground is made out to warrant the interference of this Court under section 482 CrPC.

3. During the pendency of the petition on hand, the petitioners and the respondent No.2, reconciled and resolved their differences amicably. The petitioner No.1 and respondent No.2 have filed a joint petition being case No.84/2025 (File No. Petition for Mutual Divorce/2221/2025) before the Family Court, Jammu, and the said petition has been disposed of, in terms of judgment/decree dated 23.08.2025, whereby the marriage between the petitioner No.1 and respondent No.2 has been dissolved with their mutual consent, in terms of Section 13-B of the Hindu Marriage Act, as well as, on the terms and conditions mentioned in the joint petition. It would be

appropriate to reproduce the operative part of the judgment dated 23.08.2025 passed by the Family Court, Jammu, as under:-

> *"9. Hence, the prayer as made by the petitioners, is hereby accepted and accordingly the marriage of the petitioners solemnized on 29.10.2012 at Jammu in accordance with the Hindu Rites and Rituals at Jammu is hereby dissolved with mutual consent of the petitioners in terms of the provisions contained under section 13-B of the Hindu Marriage Act on the terms and conditions which have already been mentioned in the instant petition as well as in the statements of the petitioners in the affidavits filed before the court in the present petition. The petitioner no.2 is entitled to get released an amount of Rs. 8,50,000/- from this court which has been deposited by the petitioner no.1 on account of permanent alimony. Out of the said amount of Rs. 8,50,000/-, FDR for an amount of Rs. 4,00,000/- shall be made in the name of the minor Naira, till she attains the age of majority, however, petitioner No.2 being the sole nominee and legal guardian shall be competent to withdraw interest accrued on the fixed deposit for welfare of the minor child. The petitioner no.2 namely Deepika Gambhir being the mother shall be guardian of the minor child in all respects and she has every right to apply before any department/ institution for any document or any other requirement which are to be fulfilled by the guardian, so that the minor should not suffer in any manner. Petitioners are impressed upon to withdraw their cases pending against each other. Accordingly, a decree is passed in their favour. Office to draw a decree sheet in compliance to this judgment. No order is passed as to costs. File shall be consigned to records after its due compilation under rule."*

4. It would be advantageous to reproduce first condition agreed upon by the parties before the Family Court, which reads thus:

> *"i. Parties shall withdraw their respective litigations including litigations against their relatives/family members, pending before the Subordinate, District and the Hon'ble High Court of Jammu & Kashmir & Ladakh on second motion statement and further bound to make their respective statements, to enable the Hon'ble Courts to quash the criminal proceedings and acquittal in non-compoundable offences/ matters. Petitioner No.1 shall be bound to convince Shri Arun Dhar for withdrawal of the criminal proceedings preferred against petitioner No.1 and family members. Parties also agreed that they shall not file any further litigation amongst each other and relatives and family members."*

5. Both the counsel for the petitioners/accused and respondent No.2/complainant, submit that the marriage between the petitioner No.1 and respondent No.2 has been dissolved with their consent. In this regard, they further submit that the parties have made their respective statements before the learned Registrar Judicial of this Court. The petitioners and respondent No.2 appeared in person before this Court. They were examined by the learned Registrar Judicial of this Court, wherein they have categorically deposed that the matter has been amicably resolved.

6. The respondent No. 2/complainant has specifically submitted before the learned Registrar Judicial on 15.09.2025 that she has no grievance against the petitioners as her marriage with the petitioner No.1 has been dissolved in terms of judgment and decree of divorce dated 23.08.2025

passed by the Family Court and that the petitioner has paid permanent alimony amount settled between the parties. She has also stated no objection to the disposal of the petition on hand as prayed for. In this regard, the statements of parties have been recorded on 11.09.2025 and on 19.09.2025 before the learned Registrar Judicial.

7. The Hon'ble Supreme Court, in **'Narinder Singh & Ors. vs. State of Punjab & Ors.', (2014) 6 SCC 466**, laid down the guidelines for accepting or refusing settlements in criminal proceedings. Paragraphs 29.3 and 29.4 of the judgment being relevant are extracted as under:

> "**29.3** *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 statute 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.*
>
> **29.4** *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*."

Hon'ble Delhi High Court in **'*Satender Sharma v. State & Anr.*', 2016 Supreme (Del) 1179**, quashed the proceedings on the basis of compromise between the parties, while reiterating the principle that cases of personal nature, arising out of misunderstanding and lacking any element of public interest, can be quashed to secure the ends of justice.

8. In the present case, the petitioner-accused has been charge sheeted for the commission of offences punishable under Sections 498-A and 109 RPC and both are non-compoundable. Both offences of which the petitioners-accused have been charge sheeted are of personal nature committed against the person of complainant/respondent No.2, who by way of compromise deed, has decided not to press these offences before the trial Court and also reiterated the same before this Court.

9. In the present case also, the offences alleged against the respondent do not fall within the category of heinous or grave crimes of mental depravity, such as murder, rape, or dacoity. Having regard to the nature of the allegations, the amicable settlement arrived at between the parties, their decision to live separately, this Court is of the considered view that no fruitful purpose would be served by allowing the proceedings to continue.

10. In view of the afore-stated facts and circumstances of the case, this petition is allowed and the impugned FIR No.32/2016 dated 12.08.2016 registered with Police Station, Women Cell Jammu for the commission of offences punishable under sections 498-A/109 RPC, and also order dated 10.08.2016 as well as order dated 28.06.2016 passed by the court of learned City Judge, Jammu, are quashed.

11. A copy of this order shall be forwarded to the Trial Court for information. Interim directions, if any, are revoked.

12. **Disposed** of accordingly, along with connected application(s).

(M A Chowdhary)
Judge

Jammu:
22.09.2025
Surinder

Whether the order is speaking? Yes/No
Whether the order is reportable? Yes/No

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

Surinder Kumar
2025.09.24 10:55
I attest to the accuracy and
integrity of this document