

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRMC No.137/2018
 CrIM Nos. 884/2020 &
 35/2025

Pawan Gambhir, Age 33 years
 S/O Sh. Anil Kumar,
 R/O 720, Bhagwati Nagar,
 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-in-person.

V/s

1. Deepika Gambhir
 W/O Pawan Gambhir
 D/O Manjeet Arora
 R/O A/P 258
 Partap Garh, Jammu.

2. Naira Gambhir (minor),
 D/O Pawan Gambhir
 R/O A/P 258
 Partap Garh, Jammu through
 respondent No.1.

....Respondent(s)

Through:- Mr. Anil Gupta, Advocate.
 Respondent No.1-in-person.

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

ORDER
22.09.2025

1. Petitioner, through the medium of this petition under Section 561-A of the J&K CrPC (akin to section 482 CrPC and 528 of BNSS), seeks setting aside of order dated 10.03.2016 passed in a case titled “**Deepika Gambhir & Anr. Vs. Pawan Gambhir**”, whereby ₹8,000/- was granted as interim maintenance by the court of learned Chief Judicial Magistrate (CJM), Jammu (hereinafter called as ‘Magistrate’) and the order dated 15.11.2017 passed by

the court of learned Additional Sessions Judge, Jammu (Revisional Court) in the case titled “***Pawan Gambhir vs. Deepika Gambhir & Anr.***”, whereby the petition filed by the petitioner herein against the order passed by the learned Magistrate, was dismissed.

2. Pursuant to notice, the respondents have filed their objections controverting the assertions made by the petitioner in the petition and seeks dismissal of the same. It is contended in the objections that the petitioner has failed to make a case under section 561-A 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 petitioner can raise his pleadings before the trial court by contesting the petition before it; that no good ground is made out to warrant the interference of this Court under section 561-A CrPC; that the petitioner has not approached this Court with clean hands. Lastly, it is prayed that this petition may be dismissed.

3. During the pendency of the petition on hand, the petitioner and the respondent No.1 reconciled and resolved their differences amicably, filed a joint petition being case No.84/2025 (File No. Petition for Mutual Divorce/2221/2025) in Family Court, Jammu, and the said petition has been disposed of in terms of judgment and decree dated 23.08.2025, whereby the marriage between the petitioner and respondent No.1 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, 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 Court of 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. Mr. Rahul Pant, learned senior counsel for the petitioner submits that this petition has been rendered infructuous as the marriage between the petitioner and respondent No.1 has been dissolved with their consent. In this regard, he further submits that the parties have made their respective statement before the learned Registrar Judicial of this Court.

6. Today the petitioner and respondent No.1 appeared in person before this Court. They were also examined by the learned Registrar Judicial of this Court, wherein they have categorically deposed that the matter has been amicably resolved.

7. The respondent No. 1 has specifically submitted before the learned Registrar Judicial on 15.09.2025 that she has no grievance against the petitioner as her marriage with the petitioner has been dissolved in terms of judgment and decree of divorce dated 23.08.2025 passed by the Family Court, and as the petitioner has paid permanent alimony amount settled between the parties. She has also given her no objection to the disposal of the petition on hand. In this regard, the petitioner has also recorded his statement before the learned Registrar Judicial on 11.09.2025.

8. In view of the amicable settlement arrived at between the petitioner and respondent No.1, their decision to live separately, and parties have agreed to withdraw their respective litigations before the different courts, this Court is of the considered view that no fruitful purpose would be served by allowing the proceedings to continue in this petition. Even otherwise, the petition u/s 488 CrPC filed before the court below by the respondent No.1 herein has been rendered infructuous in light of judgment and decree dated 23.08.2025 passed by the Family Court, Jammu.

9. In view of the afore-stated facts and circumstances of the case, this petition is disposed of. The order impugned dated 10.03.2016 passed by learned Chief Judicial Magistrate, Jammu as well as the proceedings pending in petition No.10/Misc titled "**Deepika Gambhir & Anr vs. Pawan Gambhir**" before the Court of learned Chief Judicial Magistrate, Jammu would not survive, being infructuous. Ordered accordingly.

10. A copy of this order shall be forwarded to the learned Chief Judicial Magistrate, Jammu, for information.

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

(M A Chowdhary)
Judge

Jammu:
22.09.2025
Surinder

Whether the order is speaking?
Whether the order is reportable?

Yes/No
Yes/No