

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

CRM(M) No. 484/2024

1. Amit Kesar, aged 34 years Appellant(s)
S/O Lt. Raman Kesar,
R/O H. No. 298, Ward No. 49,
Channi Rama, Jammu.
2. Sakshi Saini, aged 34 years
W/O Sh. Amit Kesar,
R/O 298, Ward No. 49,
Channi Rama, Jammu.

Through: Mr. Anies Mohd., Advocate.

Vs

1. U.T of Jammu & Kashmir through
SHO Police Station, Channi Himmat,
Jammu.
2. Veena Kesar
W/O Lt. Raman Kesar,
R/O H. No. 298, Ward No. 49,
Channi Rama, Jammu.

..... Respondent(s)

Through: Mr. Pawan Dev Singh, Dy. AG for R-1.
Mr. Amit Bhardwaj, Advocate for R-2.

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

ORDER
27.02.2025

1. This petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure, seeking quashment of FIR No. 0052/2022 dated 11.04.2022 under Sections 342, 323, 504, 506 IPC registered at Police Station, Channi

Himmat, Jammu, asserting therein that due to some misconception, the relationship between the respondent No. 2, who happens to be mother of petitioner No. 1 and mother-in-law of petitioner No. 2, and the petitioners got spoiled, resulting into lodging of aforesaid FIR impugned in this petition, by respondent No. 2/complainant against the petitioners/accused for the offences in question.

2. It has been further asserted by the petitioners that the petitioners/accused and the respondent No. 2/complainant with the intervention of the elderly members of the society have resolved their differences and have now been living jointly in House No. 298, Ward No. 49, Channi Rama, Jammu and have also entered into a compromise, which has been reduced into writing on 01.06.2024, that the parties shall live peacefully and amicably and that the respondent No. 2-complainant shall get the FIR quashed from this Court and as such, the instant petition was moved based on the compromise and that no prejudice shall be caused to anybody if the impugned FIR is quashed on the basis of the compromise arrived at between the parties as the law is also settled with respect to quashment of FIR lodged between the parties on the basis of the compromise.
3. This Court vide order dated 13.02.2025 directed examination of the parties in support of the compromise placed on record. The statements of the parties have been

recorded, who have supported the contentions made in the compromise. The parties have been identified by their respective counsel.

4. Since the petitioners, who are accused in a case registered at the instance of respondent No. 2, who is complainant in the case and mother of petitioner No. 1 and mother-in-law of the petitioner No. 2, 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 interest of justice.
5. It is stated by learned counsel for the petitioners and the learned counsel appearing for respondent No. 2 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. 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)**.

7. 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. 0052/2022 dated 11.04.2022 under Sections 342, 323, 504, 506 IPC

registered in Police Station, Channi Himmat, Jammu is quashed.

8. Disposed of accordingly.

(M A CHOWDHARY)
JUDGE

JAMMU
27.02.2025
Naresh/Secy.

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

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