

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 784/2025
CrlM No. 1471/2025

1. Ambar Sharma, Age 35 years Petitioner(s)
S/O Sunil Sharma,
R/O A-1203, Exotica Court,
Crossing Republic,
Ghaziabad, (U.P.)
2. Amisha Sharma, age 35 years
W/O Ambar Sharma,
D/O Ashok Kumar Sharma,
R/O H. No. 10, Lane No.11,
Greater Kailash, Jammu.

Through:- Mr. Farhan Mirza, Advocate.

V/s

UT of Jammu & Kashmir
through In-charge
Police Station,
Women Cell, Jammu.

....Respondent(s)

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

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

03.09.2025

1. The petitioners, by way of the present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhitya, 2023, seek quashing of charge sheet titled '*UT of Jammu & Kashmir through In-charge Police Station, Women Cell, Jammu Vs. Ambar Sharma & Anr.*' bearing Challan No. 1208/2023 dated 29.08.2023, under Sections 498-A and 109 of IPC pending disposal before the Court of learned Judicial Magistrate (2nd Additional Munsiff), Jammu.

2. It is submitted that petitioner No.2-wife filed a complaint against the petitioner No.1-husband and his parents under Sections 498-A and 109 IPC before Police Station, Women Cell, Jammu. The respondent-Police Station, Women Cell, Jammu registered a case vide FIR No.0025/2023 on 01.05.2023, against the petitioner No.1 and his parents under Section 498-A and 109 of IPC. As a consequence of the investigation, the FIR was subsequently culminated into charge-sheet Challan No. 1208/2023 dated 29.08.2023, against petitioner No. 1-Ambar Sharma and his father Sunil Sharma.

3. During the pendency of the charge sheet, the petitioners hereto with the intervention of common friends have decided to dissolve the disputes and issues by mutual consent arising out of the FIR and the charge-sheet, as such, the petitioners have now reconciled and resolved their differences amicably, in terms of a compromise deed dated 30.04.2025, a copy whereof has been placed on record. It is further submitted that the petitioners have settled their differences and are willingly and mutually agreed upon that the criminal case pending before the Trial Court be brought to an end as the petitioner No.2 who is complainant does not want to prosecute and press the allegations leveled in the FIR and charge sheet against the petitioner No.1 and his family members.

4. The petitioners appeared in person before this Court and, to verify the genuineness of the compromise, they were examined by the learned Registrar Judicial of this Court, wherein they have categorically deposed that the matter has been amicably resolved of their own free will, without any pressure or coercion. Petitioner No. 2/complainant has specifically submitted that she has no grievance against the petitioner No.1 and has no objection if the FIR No.0025/2023 dated 01.05.2023 registered at Police

Station, Women Cell, Jammu and consequent the challan bearing No. 1208/2023 dated 29.08.2023 along with consequential proceedings in the case titled “*UT of J&K vs. Ambar Sharma & Anr.*,” pending before the Trial Court is quashed.

5. 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.

6. 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.

7. In the present case also, the offences alleged against the petitioner No.1 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 petitioners, their decision to live in peace and harmony, and the categorical statement of the complainant-petitioner No.2 that she has no objection to the quashing of FIR and the proceedings arising out of the said FIR, this Court is of the considered view that no fruitful purpose would be served by allowing the criminal proceedings to continue.

8. In view of the compromise, the possibility of conviction being remote and bleak, and the continuation of criminal proceedings would only result in unnecessary harassment to the petitioners, who have chosen to live in peace and harmony.

9. In view of the aforesaid discussion and the law laid down by the Hon'ble Supreme Court, this petition is **allowed**. As a result, FIR No. 0025/2023 dated 01.05.2023 registered at Police Station Women Cell, Jammu, charge-sheet No. 1208/2023 arising out of the FIR and all consequential proceedings pending before the Trial Court in case titled ***"UT of J&K vs. Ambar Sharma & Anr."*** are quashed qua accused No. 1/petitioner No. 1 herein. Interim direction is vacated.

10. A copy of this order shall be forwarded to the learned Trial Court with a direction to proceed against the accused No. 2-Sunil Sharma in the case, to conclude the trial, expeditiously.

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

(M A Chowdhary)
Judge

Jammu:

03.09.2025

Madan Verma-Secy.