

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 782/2025

Babli Devi & anr.

.... Petitioner/Appellant(s)

Through:- Mr. Harmit K. Mehta, Advocate
Mr. Nonu S. Khera, Advocate
Mr. Rahul Sharma, Advocate

V/s

Union Territory of J&K

.....Respondent(s)

Through:- Mr. Bhanu Jasrotia, GA

CORAM : HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER

14.10.2025

01. Petitioners have invoked inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of Criminal Proceedings pending against petitioner No. 2 before the Court of learned Judicial Magistrate, 1st Class, Sunderbani in File No. 368/Challan titled '*UT through SHO P/S Sunderbani v. Chaman Lal*', arising out of Challan/Charge Sheet No. 62/2021 dated 20.11.2021 in FIR No. 90/2021 dated 26.10.2021.

02. The marriage between petitioner No. 1 and the son of petitioner No. 2 namely Ranjay Kumar was solemnized on 08.03.2019, as per Hindu rites and rituals and after few months, they started facing certain matrimonial discord. It is submitted that during her matrimonial dispute, petitioner No. 1 submitted a complaint against petitioner No. 2, her mother-in-law namely Ram Pyari and her husband namely Ranjay Kumar on 04.10.2021 before the respondent, for registration of FIR against them

and left her matrimonial home and started living separately at her parental home. Pursuant thereto, an FIR No. 90/2021 dated 26.10.2021 was registered against the said persons including petitioner No. 2 under Sections 354, 342, 323, 506 IPC. The Police, after investigation, produced Charge Sheet before the trial Court against petitioner No. 2 and mother-in-law of petitioner No. 1, however, husband of petitioner No.1 was exonerated by the Court.

03. It is further submitted that the learned Magistrate while framing Charge in FIR No. 90/2021 recorded the finding that there is no allegation of physical violence or confinement against petitioner No.1's mother-in-law either in the FIR or statement recorded under Sections 161 and 164-A of CrPC and, therefore, discharged her due to absence of any incriminating material against her vide order dated 02.09.2022. However, the learned Magistrate framed charges against petitioner No. 2 under Sections 354, 342, 323 and 506 of IPC and as on date, petitioner No. 2 is facing trial before the learned Magistrate.

04. Learned counsel for the petitioners submits that on 01.01.2022, petitioner No.1 filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against her husband, petitioner No. 2 and her mother-in-law before the Court of learned Special Mobile Magistrate, Electricity, Jammu and subsequently, she filed a petition under Section 125 of the Cr.P.C. for grant of maintenance before the learned Principal Judge, Family Court, Jammu.

05. It is further submitted that the matrimonial dispute, which is going on between petitioner No. 1 and son of petitioner No. 2, has now

been amicably settled and they have mutually agreed and decided to end their relationship as husband & wife and they have entered into settlement by executing Memorandum of Settlement dated 08.01.2025. It is submitted that as per the terms of the settlement, the husband of petitioner No. 1 had agreed to pay an amount of Rs. 12,50,000/- to petitioner No. 1 as permanent alimony and petitioner No. 1 had also agreed to withdraw all the cases against petitioner No. 2 and his family members.

06. Notice was issued in this petition on 14.08.2025 and this Court, while staying the proceedings of the trial Court, directed the Registrar Judicial of this Court to record the statements of the petitioners. Statements of the petitioners have been recorded by the Registrar Judicial and they submit that the dispute between them has amicably been resolved in terms of the Memorandum of Settlement dated 08.01.2025. Petitioner No. 1 further submits that she has no grievance against petitioner No. 2 and she does not want to pursue the above mentioned Criminal Proceedings pending against petitioner No. 2 before the Court of learned Judicial Magistrate, 1st Class, Sunderbani. She further submits that she has no objection in case Criminal Proceedings pending against petitioner No. 2 before the Court of learned Judicial Magistrate, 1st Class, Sunderbani, are quashed.

07. This issue regarding quashing of proceedings arising out of matrimonial dispute on the ground of settlement/compromise is to be encouraged by this Court to put an end to all disputes as held in **B. S. Joshi & ors. vs. State of Haryana & anr., (2003) 4 SCC 675** and

Yashpal Chaudhrani & ors. State (Govt. of NCT Delhi) & anr. 2019 SCC Online Del 8179.

08. In **Jitendra Raghuvanshi & ors. vs. Babita Raghuvanshi & anr., 2013 0 Supreme (SC) 247**, the Hon'ble Apex Court has held in Para 12 as under:

“12. In our view, it is the duty of the Courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the Court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.”

09. Having heard learned counsel for the petitioners and to pursue quietus to the controversy and amicable settlement between the parties, no useful purpose would be served in continuation of this petition. Similar issue was considered by the Hon'ble Apex Court in **Narinder Singh & ors. versus State of Punjab & ors., (2014) 6 SCC 466**, vide which the guidelines were framed for accepting the settlement, for quashing the proceedings or refusing to accept the settlement with direction to continue with criminal proceedings. Paragraph Nos. 29.3, 29.4 & 29.5 are reproduced below:-

“29.03 Such a power is not to 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.

29.04 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.

29.05 While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.”

10. Therefore, such power is not to be exercised in prosecution cases which involve heinous & serious offences of mental depravity like murder, rape, dacoity, etc.

11. In the present case also, the offences alleged against the petitioners do not fall within the offences of heinous nature of mental depravity, like murder, rape, dacoity, as such, keeping in view the nature of the allegations and considering the fact that they have settled the matter as the petitioners having specifically agreed that they have no objection if Criminal Proceedings pending as stated above are quashed.

12. The possibility of conviction in view of the compromise between the parties, is bleak and continuation of criminal proceedings will cause grave injustice to the parties as the parties are no longer interested

in pursuing the same. This Court is of the view that continuation of proceedings in this case would be abuse of process of the Court.

13. In view of the aforesaid discussion as well as keeping in view the law laid down by the Hon'ble Apex Court, this petition is allowed and Criminal Proceedings pending against petitioner No. 2 before the Court of learned Judicial Magistrate, 1st Class, Sunderbani, arising out of Challan/Charge Sheet No. 62/2021 dated 20.11.2021 in FIR No. 90/2021 dated 26.10.2021, are quashed.

14. This petition along with connected application(s), if any, stands **disposed of** as such.

JAMMU
RAM MURTI
14.10.2025



(VINOD CHATTERJI KOUL)
Judge