

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 784/2024

Sumit Gupta & Ors.

...Petitioner/Appellant(s)

Through:- Mr. Varut Gupta, Advocate

V/s

The Union Territory of Jammu and Kashmir and Anr.

.....Respondent(s)

Through: Ms. Shazia Asaf, Advocate vice
Mr. P. D. Singh, Dy.AG
Ms. Neena Mishra, Advocate

CORAM :
HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE
JUDGMENT
17.09.2025

01. The petitioners have invoked the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), seeking quashing of the Charge Sheet titled "Union Territory of Jammu and Kashmir vs. Sumit Gupta & Anr", bearing Challan No. 17/2024 dated 30.05.2024 pending disposal before the Court of learned Sub-Judge/Special Mobile Magistrate {13th F.C} Jammu under Section 498-A, 406, 34 of Indian Penal Code.

02. Petitioner No. 1 and respondent No. 2 solemnized marriage 17.04.2019 at Jammu. It is submitted that due to certain differences and mistrust between them, their relationship started deteriorating, thus, this leads to FIR No.

0015/2024 which was registered with Police Station Women Cell, Jammu for offence under Sections 498-A, 323 and 406 IPC against the petitioners. The investigation in FIR No. 0015/2024 for the aforesaid offences resulted in Challan No. 17/2024 being presented before the competent Court which is pending before the Court of Court of learned Sub-Judge/Special Mobile Magistrate {13th F.C} Jammu.

03. It is further submitted that the matrimonial dispute going on between petitioner No. 1 and respondent No. 2 has now been amicably settled and a decree of divorce by mutual consent has been passed by the Court of learned Principal Judge (Family Court) Jammu on 17.04.2025. It is submitted that as per the terms of the settlement the parties have agreed to withdraw all the cases against each other.

04. The petitioners have invoked the inherent jurisdiction of this Court for quashing the Challan/Charge Sheet No.17/2024 arising out of FIR No. 0015/2024.yhu

05. Statements of the petitioners as well as respondent Nos. 2 have been recorded. Respondent No. 2 submits that the dispute between petitioners and her has amicably been resolved and she has dissolved marriage with petitioner No. 1 by mutual consent in terms of the judgment and decree of divorce dated 17.04.2025 passed by the Court of learned Principal Judge (Family Court), Jammu. She further submits that she has no grievance against the petitioners and she does not want to pursue the above mentioned FIR filed by her

against the petitioners. She further submits that she has no objection in case FIR 0015/2024 dated 25.03.2024 registered at Police Station Women Cell, Jammu and consequent Charge-Sheet bearing Challan No.17/2024 pending adjudication before the Court of learned Sub-Judge/Special Mobile Magistrate (13th F.C), Jammu is quashed.

06. With regard to amicable settlement a compromise/settlement agreement dated 07.08.2024 has also been executed between petitioner No. 1 and respondent No. 2, copy whereof has been placed on record.

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."

8. 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 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.”

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

10. 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 parties having specifically agreed that they have no objection if FIR & charge-sheet as stated above are quashed.

11. 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.

12. 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 charge-sheet pending before the Court of learned Sub-Judge/Special Mobile Magistrate (13th F.C), Jammu arising out of FIR No. 0015/2024 dated 25.03.2024 registered at Police Station Women Cell, Jammu against petitioners for the commission of aforesaid offences, is quashed.

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

(VINOD CHATTERJI KOUL)
JUDGE

JAMMU
17.09.2025
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