

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No.534/2019

CrIM Nos. 2006/2021,
415/2022 & 1271/2019

Pawan Gambhir, Age 35 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. State through Police Station,
Women Cell, Jammu.
2. Deepika Gambhir
W/O Pawan Gambhir
R/O 258 Partap Garh Mohalla,
Jammu.

....Respondent(s)

Through:- Mr. P. D Singh, Dy. AG for R-1.
Mr. Anil Gupta, Advocate for R-2.
Respondent No.2-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 to quash FIR No.71/2018 registered with Police Station, Janipur, Jammu for the commission of offences punishable under sections 294, 323, 354, 506 RPC on 07.08.2018, which was later transferred to Police Station, Women Cell, Gandhi Nagar Jammu.

2. Despite notice and several opportunities, the respondents have chosen not to file objections.

3. During the pendency of the petition on hand, the petitioner (hereinafter called as 'accused') and respondent No.2 (hereinafter called as 'complainant') reconciled and resolved their differences amicably. Both of them 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 dated 23.08.2025, whereby their marriage 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.

4. For facility of reference, it would be apt to reproduce the operative part of the judgment dated 23.08.2025 passed by the Court of learned Principal Judge, Family Court, Jammu, hereunder:-

“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.”

5. It would also be advantageous to reproduce first condition agreed upon by the parties before the Court of learned Principal Judge, Family Court, Jammu, 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.”

6. Mr. Rahul Pant, learned senior counsel for the petitioner submits the marriage between the accused and complainant 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. A bare perusal of the record of instant petition reveals that the contesting parties were examined by the learned Registrar Judicial of this Court, wherein they have categorically deposed that the matter has been amicably resolved.

7. Mr. Pawan Dev Singh, learned Dy. AG, while appearing for the State-respondent No.1, submits that in view of the private nature of the offences, and the complainant having reconciled, by compromise to the injury caused to her by the acts of the accused, appropriate orders as warranted under law be passed. At the cost of repetition, it is noted that investigating agency has not opposed the petition, as it, despite several opportunities failed to file objections.

8. The complainant, who is also present in person, along with her counsel, Mr. Anil Gupta, Advocate, states that the matter has been resolved mutually by the parties, which has resulted into dissolution of their marriage, on payment of alimony in lump sum. She has prayed that the petition filed by her husband-the accused be allowed, to quash the FIR lodged by her.

9. 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.”

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.

10. In the present case, the petitioner-accused has been charge sheeted for the commission of offences punishable under Sections 294, 323, 354, 506 RPC. The offence under section 294 RPC is punishable for either description for three months, or fine, or both, is not compoundable; the offence under Section 354 RPC is punishable with imprisonment of either description for 2 years or fine, is non-compoundable; offence under Section 323 RPC is punishable with imprisonment of either description for 1 year, or fine of Rs. 1000 and is

compoundable; and the offence under section 506 RPC is punishable of either description for two years, or fine, or both, is compoundable offence. All these offences of which the accused has been charged are of personal nature committed against the person of complainant, who by way of compromise deed, filed before the Family Court and also reiterated the same in her statement before this Court, not to prosecute the same any further.

11. In the present case also, the offences alleged against the respondent 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 parties, their decision to live separately, this Court is of the considered view that no fruitful purpose would be served by allowing the proceedings to continue. In view of the compromise, the possibility of conviction being remote and bleak, the continuation of criminal proceedings would only result in unnecessary harassment to both the accused and the complainant, who have chosen to live in peace and harmony.

12. In view of the amicable settlement arrived at between the complainant and accused, their decision to dissolve marriage, and as the complainant is not interested to pursue FIR No.71/2018, this Court is of the considered view that no fruitful purpose would be served to allow investigation/prosecution of the case.

13. In view of the afore-stated facts and circumstances of the case, this petition is allowed and the impugned FIR No.71/2018 dated 07.08.2018 initially registered with Police Station, Janipur Jammu and subsequently transferred to Police Station, Women Cell Gandhi Nagar, Jammu, for the

commission of offences punishable under sections 294, 323, 354, 506 RPC is hereby quashed.

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

(M A Chowdhary)
Judge

Jammu:
22.09.2025
Surinder

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

