

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 617/2023
CrlM No. 1196/2023

Pronounced on : 18.08.2026
Uploaded on : 19.08.2026

- 1. Veena Sumbria,**
W/O Sh. Sukhdev Sumbria,
R/O 141 Sector E Sainik Colony,
Jammu.
- 2. Sukhdev Sumbria**
S/O Sh. Sardha Ram,
R/O 141 Sector E Sainik Colony,
Jammu

....Petitioners

Through:-

Mr. Pranav Deep Singh Jamwal, Adv vice
Mr. Anil Khajuria, Adv.

V/S

- 1. UT of J&K Through**
Commissioner Secretary to Govt.
Home Department,
Civil Secretariat, Jammu/Srinagar.
- 2. The Station House Officer,**
Police Station Women Cell,
Gandhi Nagar, Jammu.
- 3. Nadia Chalotra,**
D/O Sh. Kamal Kumar Chalotra,
R/O H. No. 323 Sector C Sainik Colony,
Jammu.
- 4. Aditya Sumbria,**
S/O Sh. Sukhdev Sumbria,
R/O 141 Sector E Sainik Colony,
Jammu.

....Respondents

.....Proforma Respondent

Through:-

Mr. Pawan Dev Singh, Dy. AG for R-1 & 2.
Mr. Amit Bhardwaj, Adv. for R-3.

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

ORDER
18.08.2026

- 1.** This petition has been filed by the petitioners under
Section 482 of CrPC, seeking quashment of impugned

FIR No. 0035/2023 dated 10.06.2023 registered against the petitioners and proforma respondent No. 4 under Section 498-A/109 IPC by Police Station, Women Cell, Gandhi Nagar, Jammu.

2. It is stated by learned counsel for the petitioners and the learned counsel appearing for the respondent No. 3 that the parties have compromised with each other and pray that the petition be allowed. The proforma respondent No. 4-Aditya Sumbria-husband of the respondent No. 3/complainant and the respondent No. 3- Nadia Chalotra as complainant, were examined by the learned Registrar Judicial. Their statements, in support of the compromise, have been placed on record.
3. Learned counsel for the petitioners/accused and respondent No. 3/complainant, have stated at the Bar that in view of compromise reached between the parties, the petition be allowed, and the impugned FIR be quashed, to secure the ends of justice.
4. Mr. Pawan Dev Singh, learned Dy. AG appearing for the official respondents No. 1 and 2 has raised no serious objection to the plea raised by the learned counsel for the parties, stating that the offences in the impugned FIR are of personal nature *inter se* parties due to marital discord.
5. Impugned FIR against the petitioners lodged by respondent No. 3/complainant, has accusation of subjecting her by her husband and in-laws to the offences punishable under sections 498-A/109 IPC.
6. The impugned FIR seems to have been registered due to marital discord between the couple, proforma respondent No. 4 and the private respondent No. 3, and acrimony between their respective families,

resulting into lodging of impugned FIR. Since the estranged couple has reconciled and so by their families, continuation of the prosecution of criminal case would be a nightmare for them.

7. The scope of powers exercisable by the High Court in its inherent jurisdiction under Section 528 of BNSS, 2023 is no longer res integra. The Apex Court in the case reported as B.S. Joshi & Ors. vs. State of Haryana & Anr., **2003 Cri.L.J. 2028**, has 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 another judgment titled as Narinder Singh & Ors. vs. State of Punjab & Anr., **2014(6) SCC 466**.

8. In the case of Gian Singh Vs. State of Punjab reported in **(2012) 10 SCC 303**, it has been held by the Hon'ble Supreme Court that the High Court, within the framework of inherent power, may quash criminal proceedings if it is satisfied that on the face of such settlement, there is hardly any likelihood of offender

being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.

9. The Apex Court in another case titled Mange Ram Vs. State of Madhya Pradesh & Anr, **(2025) INSC 962**, after discussing the earlier judgments on the issue of the family members of the husband being unnecessarily roped into criminal proceedings in matrimonial discord has laid down that continuation of criminal proceedings in the event of an agreement between the parties even in the case of non-compoundable offences especially in matters of matrimony would only be an exercise in futility and justice demands that the dispute between the parties is put to an end and peace is restored.
10. In the case of Naushey Ali Vs. State of U.P reported in **(2025) 4 SCC 78**, there is a clear cut observation by the Hon'ble Apex Court that when the parties have amicably resolved the dispute, proceedings with the trial would be futile and the ends of justice require that the settlement be given effect to by quashing the proceedings, as otherwise, it would be a grave abuse of process particularly when the dispute is settled and resolved.
11. All the offences of which petitioners have been accused are of personal nature with no public overtones and are also not very grievous in nature and in such case the parties should not be discouraged from settling their disputes/offences through mutual compromise.
12. In view of the aforesaid legal enunciation by the Apex Court on the point, it is the duty of this Court to being quietus to personal disputes that have already been settled between the parties. This Court in its inherent

jurisdiction under section 528 of BNSS, 2023 would consider the continuation of the criminal proceedings as an abuse of the process of the court.

- 13.** 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 the parties that they have entered into a compromise, the prosecution in the case, would serve no fruitful purpose, as it would ultimately be farce/mock trial, for the purpose of conclusion by asking both the sides to undergo the mill of prosecution. In these circumstances, it would be an abuse of process, as such, quashing of the impugned FIR would secure the ends of justice.
- 14.** Viewed thus, the present petition is allowed. Impugned FIR bearing No. 0035/2023 dated 10.06.2023 registered against the petitioners and proforma respondent No. 4 is thus, quashed.
- 15.** The petition is, thus, disposed of as **allowed** alongwith connected application(s).

(M A CHOWDHARY)
JUDGE

JAMMU
18.08.2026
Naresh/Secy.

Whether the order is speaking: **Yes**

Whether the order is reportable: **Yes**

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