

Regular List
Serial No. 19

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Date of Pronouncement : 31.07.2026
Uploaded on : 31.07.2026

CRMC No. 445/2018

**Amit Kumar, aged 26 years,
S/O Sunil Kumar
R/O H. No. 20,
Anandpur Kullian,
Pathankote, Punjab**

.....Petitioner

Through: Ms. Tavleen Kour, Advocate vice
Mr. Rohit Verma, Advocate.

Vs.

- 1. State of J&K, Through Director General of Police,
Jammu/Srinagar.**
- 2. Senior Superintendent of Police,
District Jammu.**
- 3. Station House Officer, Police Station,
Nawabad, District Jammu.**
- 4. Sonia Gupta W/O Amit Kumar,
D/O Late Sh. Jai Paul Gupta,
R/O H. No. 853, Bhagwati Nagar, Jammu**

.....Respondents

Through: Mr. P.D. Singh, Dy. AG for R-1 to 3.
None for R-4

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

- 01.** Petitioner, through the medium of this petition filed under Section 561-A Cr.P.C, (akin to Section 528 BNSS), seeks quashment of FIR No. 0068/2018, registered on 06.07.2018, at Police Station, Nawabad, District Jammu, for the commission of offences under Sections 363/376/120-B RPC, on the complaint of respondent No. 4-Sonia Gupta, on the grounds that the respondent No. 4 had entered into a marriage with the petitioner which was performed on 23.06.2018, at Pathankot, and was attended by the parental family of the respondent No. 4, as well. The petitioner has also placed on record the 'Invitation Card' of marriage

between the petitioner and respondent No. 4 still photographs of the marriage ceremony and a copy of the petition moved by the petitioner under Section 9 of the Hindu Marriage Act, 1955, before Family Court at Pathankot.

02. Learned counsel for the petitioner submits that during the pendency of this petition, the petitioner and the respondent No. 4 moved a petition under Section 13-B of Hindu Marriage Act, for a decree of divorce by mutual consent and the court of learned Additional District Judge (Matrimonial Cases), Jammu vide its judgment dated 24.03.2021, dissolved the marriage between them by issuing a decree of divorce.

03. Learned counsel for the official respondents submits that the matter is essentially of a marital discord between the petitioner and the respondent No. 4, regarding which the impugned FIR was registered on a complaint filed by the respondent No. 4 and that after some initial investigation, this Court had stayed the investigation vide an interim order dated 20.07.2018.

04. In view of the matter with regard to marital discord having been settled by the petitioner and the respondent No. 4, by dissolving their marriage, it appears that the respondent No. 4 had filed the impugned FIR just to wreak vengeance against her spouse on the basis of their marital discord, though she had married the petitioner before lodging of impugned FIR.

05. In this view of the matter, the registration of the FIR against the petitioner is a misuse of the process of law and such a recourse needs to be curbed.

06. Viewed thus, the instant petition is allowed and the impugned FIR No. 0068/2018, of Police Station, Nawabad, Jammu, for the commission of offences punishable under Sections 363/376/120-B RPC is, accordingly, **quashed.**

(M A CHOWDHARY)
JUDGE

JAMMU
31.07.2026
SUNIL

Whether the order is speaking ? : Yes
Whether the order is reportable ? : Yes

