

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

CRM(M) No.1092/2023

Mirbaz and others

...petitioners

Through: -Rahul Dev Singh Advocate.

Vs.

UT of Jammu and Kashmir and another

...respondents

Through: - Mr. Sumeet Bhatia G.A.

Ms Radha Sharma Advocate.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER

1 Instant petition has been filed by the petitioners seeking quashment of FIR No. 19/2023 for offences under Sections 498-A/506 IPC registered with Police Station, Women Cell, Udhampur.

2. It appears that respondent No. 2/complainant filed an application under [Section 156\(3\)](#) Cr.P.C. before the learned Chief Judicial Magistrate, Udhampur, alleging domestic violence at the hands of the petitioners. The learned Magistrate endorsed the said application to the concerned Police, and on the basis of the directions of the Magistrate, the impugned FIR came to be registered.

3. It seems that a compromise has been arrived at between the petitioners and respondent No.2, a copy whereof is annexed with the petition. As per the compromise deed, which has been executed on 12.09.2024, the parties have settled their disputes amicably as they

want to live peacefully. It is further stated in the compromise deed that the complainant-respondent No.2 has undertaken not to pursue the impugned FIR.

4 In order to verify the execution of the compromise arrived at between the parties, this Court vide order dated 12.09.2024 directed the parties to appear before the Registrar Judicial of this Court for recording their statements. Pursuant to the said direction, the Registrar Judicial has recorded the statements of both the parties and the same are placed on record. In their statements, both the parties have admitted the contents of the compromise deed as well as its execution.

5 Learned counsel for the petitioners prayed that the impugned FIR may be quashed on the basis of the compromise arrived at between the parties.

6 I have heard learned counsel for the parties and perused the material on record.

7 So far as the facts alleged in the petition, particularly those pertaining to the compromise arrived at between the parties in terms of compromise deed dated 20.10.2021 are concerned, the same are not disputed.

8 However, according to the petitioners, some of the offences are non-compoundable. In the backdrop of this position, the question arises as to whether this Court has power to quash the

proceedings, particularly when some of the offences alleged to have been committed by the petitioners are non-compoundable in nature.

9 It is a settled law that the offences arising out of matrimony relating to dowry or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute, the High Court will be within its jurisdiction to quash the criminal proceedings if it is shown that because of the compromise arrived at between the parties, there is remote possibility of securing conviction of the accused. It would amount to extreme injustice if despite settlement having been arrived at by the parties, the criminal proceedings are allowed to continue. In my aforesaid view, I am fortified by the judgments of the Supreme Court in the cases of **Gian Singh. v. State of Punjab & another, (2012) 10 SCC 303** and **Narinder Singh & Ors. Vs. State of Punjab & anr, (2014) 6 SCC 466.**

10 Adverting to the facts of the instant case, it is clear that the parties to the matrimonial dispute i.e., the petitioners and the complainant (respondent No. 2 herein), have entered into a compromise. Merely because the offences alleged in the FIR are non-compoundable in nature, if an end is not put to the criminal proceedings, it would amount to grave injustice to the petitioners and, in fact, it will amount to frittering away of the fruits of compromise that has been arrived at between the parties. The continuance of criminal

proceedings against the petitioners, in these circumstances, will be nothing but an abuse of process of law.

11 Taking conspectus of the aforesaid discussion, the petition is allowed and FIR No.19/2023 registered at Police Station, Women Cell, Udhampur for offences under Sections 498-A and 506 of IPC and the proceedings emanating therefrom, as against the petitioners, are quashed.

12 The petition is disposed of in above terms.

(Sanjay Dhar)
Judge

Jammu
19.11.2024
"Sanjeev, "

