

(2021) 05 J&K CK 0055

In the Jammu And Kashmir High Court

Case No : Miscellaneous Criminal Cases (CRMC) No. 584 Of 2018, IA No. 1 Of 2018

Bhavneet Singh Bhatia And Others

APPELLANT

Vs

State Of J&K And Others

RESPONDENT

Date of Decision : 28-05-2021

Acts Referred:

Code Of Criminal Procedure, 1898 — Section 561A
Jammu And Kashmir State Ranbir Penal Code, 1989 — Section 109, 498A
Indian Penal Code, 1860 — Section 498A

Citation : (2021) 05 J&K CK 0055

Hon'ble Judges : Puneet Gupta, J

Bench : Single Bench

Advocate : S. Surinder Singh, Aseem Sawhney, Dinesh S. Jamwal

Final Decision : Allowed

Judgement

1. The petitioners have filed the present petition under Section 561-A Cr.P.C seeking quashment of criminal challan No. 13/2018 pending before the

court of learned 1st Additional Munsiff (Forest Magistrate), Jammu arising out of FIR No. 5/2018 registered with Police Station, Women Cell, Jammu

in offences under Section 498-A/109 RPC on the ground that the same is abuse of process of law.

2. Private Respondent No. 3, Karminder Kour, Wife of petitioner No.1, Bhavneet Singh Bhatia has appeared in the case through her counsel. During

the pendency of the petition, it was submitted on behalf of learned counsel for the parties that the parties have entered into settlement. In the light of

the aforesaid statement, the parties were directed to place on record terms of settlement in writing and also record their statements before the

Registrar Judicial.

3. The parties have placed on record the Memorandum of Understanding/Settlement Deed between petitioner No.1 and respondent No.3. The parties

in their respective statements before Registrar Judicial, Jammu Wing have stated of the Memorandum of Understanding/Settlement Deed executed on

01.03.2021 and respondent No.3 also having stated that she has no objection in case the court quashes the FIR and the challan in question.

4. In *B. S. Joshi and others vs. State of Haryana and another* [Appeal (Crl) No. 382 of 2003] decided on 13.03.2003, the Apex Court quashed

the FIR filed in terms of Section 498-A of the Indian Penal Code for the reason that the parties have settled their matrimonial disputes and no useful

purpose shall be served by allowing a criminal prosecution to continue.

5. The parties having compromised the matter amicably and the dispute between the parties being essentially the matrimonial one it will be in the

fitness things and in the interest of justice that there should be end to the criminal proceedings.

6. In view of the aforesaid settlement between the parties and also the statement of respondent No.3/complainant in the FIR, who is also the wife of

petitioner No.1, the court finds no reason not to allow the petition. Accordingly, the petition is allowed and FIR No.5/2018 registered with Police

Station, Women Cell, Jammu stands quashed and so are the proceedings pending before the court of learned 1st Additional Munsiff (Forest

Magistrate), Jammu arising out of said FIR.