
(2021) 11 J&K CK 0033

In the Jammu And Kashmir High Court

Case No : Miscellaneous Criminal Cases (CRMC) No. 295 Of 2014, Criminal
Miscellaneous No. 1572 Of 2021

Chetan Virender Kumar Gupta And Another

APPELLANT

Vs

State Of J&K And Others

RESPONDENT

Date of Decision : 12-11-2021

Acts Referred:

Jammu And Kashmir State Ranbir Penal Code, 1989 — Section 498A
Code Of Criminal Procedure, 1973 — Section 320

Citation : (2021) 11 J&K CK 0033

Hon'ble Judges : Rajnesh Oswal, J

Bench : Single Bench

Advocate : Divyanshu Malhotra, Karman Singhn Johal

Judgement

Rajnesh Oswal, J

1. The present petition has been filed by the petitioners for quashing the FIR bearing No. 164/2013 dated 16.11.2013 registered with Police Station Bakshi Nagar, Jammu against the petitioner Nos. 1 & 2 and respondent No. 3 for commission of offence under section 498-A RPC on the ground that the petitioners and the respondent No. 2 have entered into a compromise and marriage between petitioner No. 1 and respondent No. 2 has been dissolved vide ex parte decree of divorce dated 19.02.2014 under the Hindu Marriage Act by the Court of learned Additional District Judge Matrimonial cases, Jammu and the said petition was filed by the respondent No. 2.

2. A perusal of the record reveals that the respondent No. 2 has filed an affidavit stating therein that vide an agreement dated 28.08.2014, she has received an amount of Rs. 35.00 lacs as full and final settlement and permanent alimony in relation to the decree of divorce dated 19.02.2014. She has further stated that they have already settled the dispute and the marriage between the petitioner No. 1 and respondent No. 2 stands dissolved by the Court of learned Additional District Judge Matrimonial Cases Jammu, therefore, she has no objection in case

FIR bearing No. 164/2013 dated 16.11.2013 registered with Police Station Bakshi Nagar, Jammu against the petitioner Nos. 1 & 2 and respondent No. 3 for commission of offence under section 498-A RPC is quashed.

3. Mr. Karman Singh Johal, learned counsel for respondent No. 2 submits that the appropriate orders, in view of the compromise arrived at between the petitioners and the respondent No. 2, may be passed.

4. Heard learned counsel for the parties and perused the record.

5. Law is well settled that if the parties have settled their disputes amicably, then the criminal proceedings whether arising out of private complaint or out of FIR for commission of offences under sections 498-A can be quashed, notwithstanding the fact that the section 498-A RPC is non-compoundable. Reliance is placed upon a judgment of the Apex Court in case, titled, Jatinder Raghuvanshi and ors. v Babita Raghuvanshi and anr. 2013 (4) SCC 58, in which it has been held that even if, the offences are non compoundable, if they are relate to matrimonial disputes and the Court is satisfied that the parties have settled the dispute amicably and without any pressure, then section 320 of the Code would not be a bar to the exercising of power of quashing of FIR, complaint or the subsequent criminal proceedings.

6. In view of the amicable settlement arrived at between the petitioners and respondent No. 2, FIR bearing No. 164/2013 dated 16.11.2013 registered with Police Station Bakshi Nagar, Jammu against the petitioner Nos. 1 & 2 and respondent No. 3 for commission of offence under section 498-A RPC is quashed.