
(2021) 11 J&K CK 0012

In the Jammu And Kashmir High Court

Case No : Miscellaneous Criminal Cases (CRMC) No. 342 Of 2018

Darminster Singh And Others

APPELLANT

Vs

State Of J&K And Anr

RESPONDENT

Date of Decision : 03-11-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 320, 482

Code Of Criminal Procedure, 1989 — Section 561A

Jammu And Kashmir State Ranbir Penal Code, 1989 — Section 109, 498A

Citation : (2021) 11 J&K CK 0012

Hon'ble Judges : Rajnesh Oswal, J

Bench : Single Bench

Advocate : Raghubir Singh, Jamroth Singh, Aseem Sawhney

Final Decision : Disposed Of

Judgement

Rajnesh Oswal, J

1. The present petition has been filed by the petitioners under section 561-A Cr.P.C (now 482 Cr.P.C) for quashing the criminal proceedings in challan titled ? State vs. Darminster Singh & others? pending before the court of learned Sub-Registrar, Judicial Magistrate, Jammu against the petitioners, arising out of FIR bearing No. 105/2014 for commission of offences under sections 498-A and 109 RPC.

2. The present petition has been filed on the ground that the marriage between the petitioner No. 1 and the respondent No. 2 stands dissolved by virtue of judgment and decree dated 08.02.2018 passed by the court of Additional District Judge (Matrimonial Cases) Jammu, pursuant to the mutual divorce petition filed by the petitioner No. 1 and the respondent No. 2.

3. Respondent No. 2 has filed the response in which factum of filing of mutual divorce petition as well as passing of judgment and decree has been admitted and further, it has been stated that the respondent No. 2 has no objection in the

event, the present petition is decided in favour of the petitioners.

4. Mr. Jamrodh Singh, GA submits that the appropriate order may be passed.

5. A perusal of the record reveals that the marriage between the petitioner No. 1 and the respondent No. 2 stands dissolved by virtue of judgment and decree supra and once parties have settled their dispute amicably, the continuance of the proceedings under section 498-A/109 RPC shall be nothing but an abuse of process of law.

6. Law is well settled that if the parties have settled their dispute amicably, then the criminal proceedings whether arising out of private complaint or out of FIR for commission of offences under sections 498-A RPC 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. reported in 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.

7. In view of the amicable settlement arrived at between the petitioners and respondent No. 2, criminal proceedings in challan titled "State vs. Darminder Singh and others" pending before the court of learned Sub-Registrar, Judicial Magistrate, Jammu arising out of FIR bearing No. 105/2014 for commission of offences under section 498-A/109 RPC are quashed.

8. The present petition is, accordingly, disposed of along with connected application.