

(2020) 08 J&K CK 0001

In the Jammu And Kashmir High Court

Case No : Criminal Miscellaneous Petition (M) No. 369, 883 Of 2019, 872 Of 2020

Dharwinder Singh And Others

APPELLANT

Vs

State Of J&K And Others

RESPONDENT

Date of Decision : 27-08-2020

Acts Referred:

Jammu And Kashmir State Ranbir Penal Code, 1989 — Section 320, 406, 498(A)
Hindu Marriage Act, 1955 — Section 13(B)

Citation : (2020) 08 J&K CK 0001

Hon'ble Judges : Rajnesh Oswal, J

Bench : Single Bench

Advocate : Rajeev Chadgotra, Aseem Sawhney, Karman Singh Johal

Final Decision : Disposed Off

Judgement

Rajnesh Oswal, J

CrIM No. 872/2020

For the reasons stated in the application, the same is allowed and the copy of agreement dated 04.08.2020 executed between the petitioner No. 1 and respondent No 2 and copy of mutual divorce petition are taken on record. Application is disposed of.

CRM(M) N. 369/2019

The instant petition has been filed seeking quashing of order dated 30.01.2019 passed by the learned Judicial Magistrate 1st Class (Munsiff), Jammu and also proceedings arising out of challan, wherein the petitioners were charged for commission of offences under Sections 498-A/406 RPC.

During the pendency of the petition, the petitioners and respondent No. 2, who is wife of petitioner No. 1 and daughter-in-law of petitioner No. 2, have entered to a compromise. The copy of the agreement dated 04.08.2020 has been placed on record. Besides placing on record the agreement dated 04.08.2020, the copy of

the petition filed by petitioner No. 1 and respondent No. 2 under section 13-B of Hindu Marriage Act filed with learned Additional District Judge (Matrimonial Cases), Jammu has also been placed on record.

It is stated that as per the agreement, petitioner No. 1 has deposited Rs. 7.50 lacs as permanent alimony before the Court of learned Additional District Judge (Matrimonial Cases) Jammu and also as per the agreement, the petitioner No. 1 and respondent No. 2 agreed to withdraw their respective cases filed by them, including criminal challan that is the subject matter of the present petition.

The petitioner No. 1 & 2 appeared before this Court through virtual mode and they were present in the chamber of Mr. Rajeev Chagotra, Advocate and likewise, respondent No. 2 appeared through virtual mode and was present in the chamber of Mr. Karman Singh Johal, Advocate. The petitioners and respondent No. 2 have stated that they have entered into a compromise without any pressure and free consent. The respondent No. 2 has further stated that she does not want to continue with the criminal case that was filed pursuant to FIR lodged by her and she has no objection, if the challan pending before JMIC Munsiff, Jammu is quashed pursuant to the compromise. Mr. Aseem Sawhney, learned AAG also has consented to the same in view of the amicable settlement between the parties.

Reliance is placed upon a judgment of the Apex Court in case, titled, Jatinder Raghuvanshi and ors. Vs. Babita Raghuvanshi and anr. 2013 (0) Supreme (SC) 247, in which it has been held that even if the offences are non compoundable, if they relate to matrimonial disputes and the Court is satisfied that the parties have settled the dispute amicably and without any pressure, we hold that for the purpose of securing of ends of justice, 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.

In view of the amicable settlement arrived at between the petitioners and respondent No. 2, the proceedings arising out of challan, titled, "State vs. Dharwinder Singh and another" bearing case No. JKJM030022642018/Challan pending before learned JMIC (Munsiff), Jammu arising out of FIR No. 39/2018 under section 498-A RPC registered with Police Station, Kanachak is quashed along with all the orders.

Disposed of accordingly along with connected CrIM.

Registry to furnish copy of the order to the learned counsel for the parties.

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