

(2019) 11 J&K CK 0020

In the Jammu And Kashmir High Court

Case No : CRM (M) No. 413 Of 2019, CrIM No. 972 Of 2019

Inderjeet Singh And Another

APPELLANT

Vs

State Of Jammu & Kashmir And Others

RESPONDENT

Date of Decision : 18-11-2019

Acts Referred:

Citation : (2019) 11 J&K CK 0020

Hon'ble Judges : Tashi Rabstan, J

Bench : Single Bench

Advocate : Nitin Verma

Final Decision : Disposed Of

Judgement

Tashi Rabstan, J

1. Petitioners have invoked the inherent jurisdiction of this Court under Section 561-A of Code of Criminal Procedure for quashing the FIR No.17/2016 dated 21.04.2016 registered with Police Station, Women Cell, Gandhi Nagar Jammu and challan titled "State vs. Inderjeet Singh and ors." for the commission of offence punishable under Section 498-A/109/406 RPC pending before the court of learned 2nd Additional Munsiff, Jammu.

2. Learned counsel for the petitioners stated at the Bar that this petition can be disposed of as the dispute has already been settled mutually between them by arriving at an Agreement dated 04.06.2019.

3. Under the directions of this Court, statements of the petitioners have been recorded before the Registrar Judicial of this Court today itself and they have been identified by their counsel. Copies of the statements recorded by the Registrar Judicial are attached with the case file. The petitioners have also put their signatures on backside of seventh page of the writ petition and have been identified by their counsel.

4. The Apex Court in case, titled as, Jitendera Raghuvanshi vs Babita

Raghuvanshi, (2013) 4 SCC 58, has observed that "it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings."

5. The aforesaid judgment directly applies to the present case.

6. In view of the facts and circumstances of this case and settled law position, this petition is, disposed of, and the criminal challan titled "State Vs. Inderjeet Singh and Others" pending before the Court of learned 2nd Additional Munsiff, Jammu, as also the FIR No.17/2016 dated 21.04.2016 registered with Police Station, Women Cell, Gandhi Nagar Jammu are hereby set aside.