
(2020) 09 J&K CK 0022

In the Jammu And Kashmir High Court

Case No : Criminal Miscellaneous Case No. 483 Of 2016, IA No. 1 Of 2016

Sandeep Singh Jasrotia And Others

APPELLANT

Vs

State Of J&K And Others

RESPONDENT

Date of Decision : 14-09-2020

Acts Referred:

Jammu And Kashmir State Ranbir Penal Code, 1989 — Section 109, 498(A)
Code Of Criminal Procedure, 1973 — Section 320

Citation : (2020) 09 J&K CK 0022

Hon'ble Judges : Rajnesh Oswal, J

Bench : Single Bench

Advocate : Anwar Allaie, Aseem Sawhney

Final Decision : Disposed Off

Judgement

Rajnesh Oswal, J

The present petition has been filed for quashing FIR No. 02/2008 dated 01.02.2008 registered with Police Station, Women Cell, Jammu for commission of offences under sections 498-A and 109 RPC and also final report dated 08.08.2008 sub judice in the court of City Judge (JMJC) Jammu on the ground that the petitioner Nos. 1 and 2 have settled their disputes.

It is pleaded that the petitioner Nos. 1 and 2 have also entered into a compromise on 02.09.2016 and the said compromise has been executed without any force, pressure and coercion from any quarter. The petitioners have placed on record the copy of the FIR, challan and also the compromise deed dated 02.09.2016.

Perusal of the compromise deed reveals that the relation between petitioner Nos.1 and 2 were cordial but later on due to misunderstanding between them, the relations became strained, as a result thereof, petitioner No. 2 filed a criminal complaint for commission of offences under section 498-A and 109 RPC against the other petitioners. It is further stated in the compromise deed that petitioner

No. 1 and petitioner No. 2 have resolved their disputes in order to maintain cordiality in their relationships. As per said compromise deed, petitioner No. 2 has agreed to end the proceedings/litigation arising out of FIR No. 02/2008 (supra) and also subsequent challan filed pursuant to the said FIR. It is further stated in the compromise deed that the petitioner No. 2 has no objection if the proceedings arising out of the FIR (supra) is quashed by this Court.

Mr. Aseem Sawhney, learned AAG is also not averse to the quashing of the proceedings arising out of the FIR No. 2/2008 pursuant to settlement arrived at between the parties as the husband and the wife have amicably settled their disputes and continuance of the challan shall not serve any purpose.

Heard and considered.

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 and 109 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. 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, 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 petitioner Nos. 1 and 2, the impugned FIR bearing No. 02/2008 dated 01.02.2008 registered with Police Station, Women Cell, Jammu and subsequent challan titled, State vs. Sandeep Singh Jasrotia arising out of the aforesaid FIR for commission of offences punishable under sections 498-A and 109 RPC pending before Learned City Judge (JMJC) Jammu are quashed.

Disposed of accordingly along with connected IA.