

(2023) 04 J&K CK 0029

In the Jammu And Kashmir High Court

Case No : Criminal Miscellaneous Case No. 302 Of 2023

Sukhmeet Singh

APPELLANT

Vs

UT Of J&K And Anr

RESPONDENT

Date of Decision : 17-04-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 320, 482
Jammu And Kashmir State Ranbir Penal Code, 1989 — Section 498A
Hindu Marriage Act, 1955 — Section 13(B)

Citation : (2023) 04 J&K CK 0029

Hon'ble Judges : Rajnesh Oswal, J

Bench : Single Bench

Advocate : Arjun Bhatia, Pawan Dev Singh

Final Decision : Disposed Of

Judgement

Rajnesh Oswal, J

1. The instant petition under Section 482 Cr.P.C. has been filed by the petitioner for quashing challan titled, "State vs. Sukhmeet Singh" for commission of offence under section 498-A RPC, pending before the learned Munsiff JMFC, Jammu on the ground that the contesting parties have arrived at a compromise amicably.

2. It appears that due to marital discord, respondent No. 2-wife has filed the FIR No. 43/2015 dated 03.08.2015 for commission of offence under Sections 498-A RPC against the petitioner-husband with the Police Station, Women Cell, Jammu, which has culminated into the impugned challan. The petitioner has placed on record copy of the judgment passed by the Court in petition under section 13(B) of Hindu Marriage Act, whereby the marriage of the petitioner and respondent No. 2, has been dissolved by mutual consent.

3. This Court vide order dated 12.04.2023 directed the parties to record their statements before the Registrar Judicial. Accordingly, their statements were recorded before the Registrar Judicial on 13.04.2023, wherein they have stated

that they have resolved all the disputes and issues with each other amicably. The respondent No. 2 has stated that she has no objection in case challan titled, State vs. Sukhmit Singh, arising out of FIR No. 43/2015 dated 03.08.2015, for commission of offence under section 498-A RPC , pending before the learned Munsiff JMIC, Jammu is quashed.

4. It needs to be noted here that offence under section 498-A RPC is non-compoundable.

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. (See also the State of Madhya Pradesh V. Laxmi Narayan (2019)5 SCC 688).

6. In view of the amicable settlement arrived at between the petitioner and respondent No. 2 and for the reasons stated above, challan titled, "State vs. Sukhmeet Singh" for commission of offence under section 498-A RPC, pending before the learned Munsiff JMIC, Jammu, is quashed.

7. Disposed of.