

(2021) 05 J&K CK 0061

In the Jammu And Kashmir High Court

Case No : Miscellaneous Criminal Cases No. 193 Of 2021

Vikas Jandial And Others

APPELLANT

Vs

Union Territory Of J&K And Another

RESPONDENT

Date of Decision : 28-05-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482, 498A
Jammu And Kashmir State Ranbir Penal Code, 1989 — Section 109, 498A
Indian Penal Code, 1860 — Section 498A

Citation : (2021) 05 J&K CK 0061

Hon'ble Judges : Puneet Gupta, J

Bench : Single Bench

Advocate : R. P. Sapolia, R. K. Jain, Mohit Jain

Final Decision : Allowed

Judgement

1. Through the medium of the present petition filed under Section 482 Cr.P.C, quashment of criminal proceedings pending in the court of Passenger

Tax Mobile Magistrate, Jammu arising out of F.I.R No. 45/2013 registered with Police Station Women Cell, Canal Road, Jammu under Section 498-

A/109 R.P.C is sought for on the ground that the parties have amicably resolved their disputes pending before different courts and have decided to

withdraw their cases by mutual consent.

2. Respondent No.2, Anju Gupta, who is wife of petitioner No.1VikasJandial and is the complainant in the aforesaid FIR has filed the reply to the

petition wherein it is submitted that the compromise deed dated 17th March, 2021 has been filed before the court of learned Additional District Judge

(Matrimonial), Jammu for grant of divorce by mutual consent and she is no more interested to proceed with the challan pending before the court of

learned Judicial Magistrate, Passenger Tax, Jammu in view of the settlement between the parties. She has no objection if the proceedings initiated

against the petitioners are quashed. The affidavit has also been filed in support of the objections. Agreement of Divorce by way of mutual settlement

is placed on the record.

3. Learned counsel appearing for the private parties have submitted that all the disputes between the parties stand settled by mutual agreement and

the civil case also stands settled between the parties. In the light of the aforesaid, the learned Senior Counsel appearing for respondent No.2 has

submitted that he has no objection in case the present petition is allowed.

4. The petitioners have filed the present petition for quashment of the proceedings pending before the court of Passenger Tax Mobile Magistrate,

Jammu on the grounds mentioned above. The private respondent, wife of petitioner No.1, complainant in the aforesaid FIR has also filed reply wherein

she has stated that the parties have mutually entered into settlement and has no objection if the proceedings pending before the trial court are quashed.

5. No doubt the offence under Section 498-A Cr.P.C is non-compoundable. However, the parties who had matrimonial disputes have sought to bring

peace in their lives by parting ways by mutual consent. Keeping alive the criminal proceedings will only bring acrimony amongst the parties and

deprive them of their intended tranquility and peace. In matrimonial matters, invariably, the parties should be allowed to settle their differences and the

curtains on criminal proceedings should be brought down.

6. The learned counsels have referred the judgment of the Apex Court passed in â??B. S. Joshi and others vs. State of Haryana and anotherâ?? in

Appeal (Crl) No. 382 of 2003 decided on 13.03.2003, wherein the court quashed the FIR filed in terms of Section 498-A of the Indian Penal Code for

the reason that the parties have settled their matrimonial disputes and no useful purpose shall be served by allowing a criminal prosecution to continue.

7. In the light of the above, the court finds no reason not to allow the petition. Accordingly, the petition is allowed and FIR No. 45/2013 registered with

Police Station Women Cell, Canal Road, Jammu stands quashed and so are the proceedings pending in the court of Passenger Tax Mobile Magistrate,

Jammu arising out of said FIR.