

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

**CRM(M) No. 837/2022
CrIM No. 1734/2022**

**Reserved on: 28.11.2022
Pronounced on: 30.11.2022**

Parbhat Sharma & Ors.

....Petitioner (s)

Through :- Mr. Rajiv Kumar Sharma, Advocate

V/s

UT of J&K & Anr.

....Respondent(s)

Through :- Mr. Pawan Dev Singh, Dy AG R-1
Mr. Parvinder Singh, Advocate for R-2

Coram: HON'BLE MR. JUSTICE MOHAN LAL, JUDGE

**ORDER
30.11.2022**

1. Through the medium of instant petition filed under Section 482 of the Code of Criminal Procedure, petitioners seek quashment of FIR No. 55/2021 dated 20.10.2021 for the commission of offences punishable under sections 498-A/109 IPC, registered with Police Station Women Cell Gandhi Nagar against the petitioners on the complaint of respondent No.2.
2. It has been stated in the petition that the marriage between the petitioner No.1 and respondent No.2 was solemnized according to Hindu rites and customs on 23.07.2020 at Jammu and lived together as husband and wife and out of their wedlock there is no issue; that petitioner No.1 and respondent No.2 are living continuously separately since January 2021 due to misunderstanding between them and different temperaments/opinion, so they could not live together as husband and wife; that civil as well as criminal case was pending between both the parties in different courts at Jammu filed by both the parties against each other and has now compromised the same; that petitioner No.1 and respondent No.2 had filed a joint petition under section 13-B of Hindu Marriage Act in the court of learned Principal Judge, Family Court,

- Jammu; that as the parties has compromised their all the disputes and settled the same amicably, the petitioners seek indulgence of this Court in quashing the challan bearing File No. 470/2022 dated 07.03.2022 produced by SHO Women Cell Gandhi Nagar, Jammu arising out FIR No. 55/2021 dated 20.10.2021 u/s 498-A/109 IPC pending before the court of learned Special Municipal Mobile, JMJC, Jammu. In view of the amicable outside court settlement and compromised the matter between them regarding the incident and they have also executed a compromise deed wherein they have decided to close cases against each other.
3. Petitioners have annexed with the petition a compromise deed dated 04.03.2022 duly registered before Notary, Jammu stating therein that both the parties have decided to close cases against each other.
 4. The instant petition is supported by affidavits of the petitioner No. 1.
 5. Pursuant to the order dated 11.11.2022, the Registrar Judicial has recorded the statements of the parties. The same are placed on record, which read as under:-

Statement of Parbhat Sharma (petitioner No.1); age 30 years, S/o Sh. Kuldeep Sharma R/o Greater Kailash, Near Sai Constructions, Jammu on oath today i.e 11.11.2022;

Stated, that I have amicably resolved all disputes and issues with Sanamdeep Kour (respondent No.2). A compromise agreement dated 10.12.2021 duly attested on 04.03.2022 before Notary, Jammu City has also been executed between us in this regard. Further, I have also dissolved marriage with Sanamdeep Kour (respondent No.2). In view of our compromise, I pray before the Hon'ble Court to quash challan bearing file No. 470/2022 dated 07.03.2022 pending before the Court of learned Special Municipal Mobile, Judicial Magistrate 1st Class, Jammu in case titled " UT v/s Parbhat Sharma and others" arising out of FIR No. 55/2021 dated 20.10.2021 lodged in Police Station, Women Cell, Gandhi Nagar, Jammu.

Statement of Sanamdeep Kour (respondent No.2)); Age; 28 years; D/o S. Harvinder Singh R/o 206 GTB Nagar, Channi Ramma, Jammu on oath today i.e 11.11.2022;

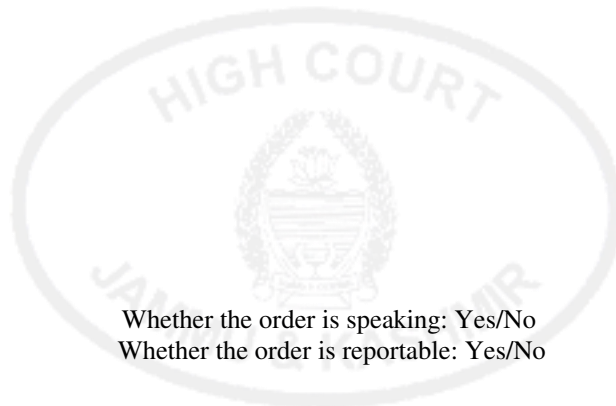
Stated, that I have amicably resolved all disputes and issues with Parbhat Sharma (petitioner No.1). A compromise agreement dated 10.12.2021 duly attested on 04.03.2022 before Notary, Jammu City has also been executed between us in this regard. Further, I have also dissolved marriage with Parbhat Sharma (petitioner No.1). Now, I have no grievance against any of the petitioners. In view of our compromise, I have no objection in case Hon'ble Court quashes challan bearing file No. 470/2022 dated 07.03.2022 pending before the Court of learned Special Municipal Mobile, Judicial Magistrate 1st Class, Jammu in case

titled “ UT v/s Parbhat Sharma and others” arising out of FIR No. 55/2021 dated 20.10.2021 lodged in Police Station, Women Cell, Gandhi Nagar, Jammu.

6. Bare perusal of the statements of petitioner No.1 and respondent No.2 placed on record demonstrate that the parties have entered into a compromise whereby they have settled their disputes/issues, so there would be no chance of conviction in near future in case trial is held and concluded.
7. In view of the above, this petition stands allowed.
8. Consequently, FIR No. 55/2020 dated 20.10.2021 for the commission of offences punishable under sections 498-A/109 IPC, registered with Police Station Women Cell Gandhi Nagar, Jammu against the petitioners along with all the proceedings arising out of the same FIR, pending in the Court learned Special Municipal Mobile, Judicial Magistrate 1st Class, Jammu in view of compromise arrived at between the parties stands quashed.
9. Copy of this order be sent to Court below for compliance.

Jammu:
30.11.2022
Vijay

(Mohan Lal)
Judge



Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No