



IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2025

(Arising out of Special Leave Petition (Criminal) No.16217 of 2024)

_____ OTHERS

...APPELLANTS

VERSUS

STATE OF HARYANA & ANOTHER

...RESPONDENTS

J U D G M E N T

NAGARATHNA, J.

Leave granted.

2. Being aggrieved by the order dated 01.08.2024, passed by the High Court of Punjab and Haryana in CRM-M No.6635 of 2024 by which the application filed by the appellant under Section 482 of the Code of Criminal Procedure, 1973 (for short 'CrPC') seeking quashing of FIR No.67 dated 15.05.2019

registered at Police Station Radaur, District Yamunanagar, Haryana and all subsequent proceedings arising therefrom, initiated under Sections 323, 406, 498-A and 506 of the Indian Penal Code, 1860 ('IPC'), pending before the Judicial Magistrate First Class, Jagadhri, Yamuna Nagar, was dismissed by the High Court, the appellants have preferred this appeal.

3. Appellant Nos. 1, 2 and 3 are the erstwhile husband, father-in-law and mother-in-law respectively of respondent No. 2.

4. We have heard learned counsel Sri Abhinav Ramkrishna for the petitioners and Sri Shekhar Raj Sharma, Deputy Advocate General for the respondent-State.

5. Briefly stated, the facts of the case are that the marriage between appellant No.1 and respondent No.2 was solemnised on 06.03.2018. Owing to certain differences arising between them, respondent No.2 left the matrimonial home around ten months after the marriage along with her daughter from an earlier marriage. Subsequent to this, multiple cases came to be filed by appellant No.2 and respondent No.2 respectively. Among these

was FIR No.67 of 2019 registered pursuant to a complaint by respondent No.2 at P.S Radaur, District Yamuna Nagar, Haryana against appellant Nos.1 to 3 under sections 323, 406, 498-A and 506 of the IPC. On 7.11.2019, a chargesheet came to be filed in the FIR No.67 of 2019.

6. There was subsequently a decree of divorce by mutual consent granted by the concerned Family Court on 19.01.2024. At this stage, all the pending proceedings that were filed by respondent No.2 came to be withdrawn.

7. In the aforesaid circumstances, the appellants herein sought quashing of the complaint filed by respondent No.2 herein as well as all proceedings initiated pursuant to the said complaint by filing a petition under section 482 of CrPC before the High Court. It is pertinent to note that respondent No.2 also filed her reply to the petition, stating that she had no objection to FIR No.67 of 2019 and associated criminal proceedings being quashed. The High Court however, dismissed the said application. The High Court noted that the case would not be a fit one for quashing, as

certain allegations regarding the victimisation of the child had been sufficiently substantiated.

8. Hence, learned counsel for the respective parties have made their submissions in the above backdrop of the aforesaid facts.

9. Learned counsel for the appellants submitted that having regard to the fact that both the parties have been since divorced by mutual consent and a compromise decree had been effectuated as well, no purpose would be served by the continuation of the prosecution of the criminal case as against the appellants herein. He further submitted that the divorce decree has attained finality and further, respondent No.2 had no objections to the quashing of the criminal proceedings and the child is also aware of the compromise having been reached by the parties.

10. *Per contra*, learned counsel for the respondent-State submitted that the complaint is well-justified having regard to the acts and omissions of the appellants herein. He further submitted that there were specific allegations regarding the victimisation of

the child by appellant No.1 and as a result, this would not be a fit case to quash the ongoing criminal proceedings.

11. Having heard learned counsel for the respective parties and upon perusal of the material placed on record, the only question that arises for consideration is, whether, the allegations contained in FIR No.67 of 2019 warrant invocation of this Court's powers in exercise of its extraordinary jurisdiction under Article 142 of the Constitution of India owing to the settlement arrived at between the parties without going into the merits of the matter.

12. In the present case, the allegations in FIR No.67 of 2019 pertain to offences punishable under Sections 323, 406, 498-A and 506 of the IPC. For ease of reference, the aforesaid Sections are extracted as under:

“323. Punishment for voluntarily causing hurt.—

Whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

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406. Punishment for criminal breach of trust.—

Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a

term which may extend to three years, or with fine, or with both.

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498A. Husband or relative of husband of a woman subjecting her to cruelty.—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

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506. Punishment for criminal intimidation.—Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”

13. This Court, in ***Dara Lakshmi Narayana vs. State of Telangana, (2025) 3 SCC 735***, has clearly held that family members of the husband ought not to be unnecessarily roped into criminal proceedings arising out of matrimonial discord. The Court observed that it has become a recurring tendency to implicate every member of the husband’s family, irrespective of their role or actual involvement, merely because a dispute has arisen between the spouses. It was further held that where the allegations are bereft of specific particulars, and particularly where the relatives sought to be prosecuted are residing

separately or have had no connection with the matrimonial home, allowing the prosecution to proceed would amount to an abuse of the process of law. The Court noted that criminal law is not to be deployed as an instrument of harassment and that judicial scrutiny must be exercised to guard against such misuse.

14. Furthermore, this Court has consistently taken the view that where the matrimonial relationship has come to an end by way of divorce, and the parties have since settled into their respective lives, criminal prosecution emanating from that past relationship ought not to be permitted to linger as a means of harassment. In the cases of ***Mala Kar vs. State Of Uttarakhand, Criminal Appeal No.1684 of 2024 dated 19.03.2024 (“Mala Kar”)*** and ***Arun Jain vs. State of NCT of Delhi, Special Leave Petition (Criminal) No.9178 of 2018 dated 01.04.2024 (“Arun Jain”)***, this Court, while exercising its powers under Article 142 of the Constitution of India, quashed the criminal proceedings arising out of matrimonial discord against the husband. The Court took note of the fact that the couple therein had divorced and held that in such a situation, to continue with criminal prosecution would

amount to abuse of the process of law. The reasoning adopted therein applies with equal force to the facts of the present case. Paragraph 12 of ***Mala Kar*** and the relevant paragraph in ***Arun Jain*** are extracted respectively as under:

“12. Following the aforesaid judgment, in the instant case, we have already noted that there has been a decree of divorce passed between the parties dated 18.10.2014. It is thereafter that on 06.04.2015, the FIR was registered in respect of the criminal complaint filed on 09.08.2014. More significantly, both the appellant No.2 and respondent No.2 have since remarried and are leading their independent lives. Therefore, both parties have accepted the decree of divorce passed by the Family Court on 18.10.2014. Moreover, the appellant No.2-former husband of the respondent No.2 has agreed to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) as ex-gratia to the respondent No.2 herein in full and final settlement of all her claims, with a prayer to this Court to do complete justice in this matter and for invoking its powers under Article 142 of the Constitution of India.

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Following the aforesaid judgments, in the instant case, it is noted that the appellants and respondent No.2 were married on 01.11.1996 and a daughter was born to them on 19.04.2001. It is also stated by learned counsel for the appellants that appellant No.1 left the matrimonial home on 23.04.2007 and thereafter respondent No.2 sought divorce which was granted by the Competent Court on 04.04.2013. It was only thereafter on 31.10.2013 that respondent No.2 filed the complaint against the appellants herein and the FIR was registered on 13.02.2014 and the chargesheet was filed on 22.09.2015. It is also to be noted that the proceedings initiated under

the Protection of Women from Domestic Violence Act, 2005 in the year 2008 by respondent No.2 herein culminated in the dismissal of the said proceeding on merits by order dated 28.07.2017 which has attained finality. Having regard to the aforesaid peculiar and crucial aspects of the present case and by following the order dated 19.03.2024, the appeal is liable to be allowed as we find that this is a fit case where we can exercise powers under Article 142 of the Constitution of India.”

15. This Court, in the case of ***Ramawatar vs. State of Madhya Pradesh, (2022) 13 SCC 635 (“Ramawatar”)***, while considering quashing of proceedings under Section 482 of CrPC, in the context of the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, took into consideration the fact that there had been a settlement arrived at between the parties in the said case and therefore, exercising jurisdiction under Article 142 of the Constitution of India, the Court quashed the complaint, the FIR, and subsequent criminal proceedings against the accused therein. The relevant portion of the said judgment is at paragraph 15 which is extracted as under:

“15. The Constitution Bench decision in the case of **Supreme Court Bar Assn. v. Union of India & Another**. has eloquently clarified this point as follows:

“48. The Supreme Court in exercise of its jurisdiction under Article 142 has the power to make such order as is necessary for doing complete justice “between the parties in any cause or matter pending before it”. The very nature of the power must lead the Court to set limits for itself within which to exercise those powers and ordinarily it cannot disregard a statutory provision governing a subject, except perhaps to balance the equities between the conflicting claims of the litigating parties by “ironing out the creases” in a cause or matter before it. Indeed this Court is not a court of restricted jurisdiction of only dispute-settling. It is well recognised and established that this Court has always been a law-maker and its role travels beyond merely dispute-settling. It is a “problem solver in the nebulous areas” (see *K. Veeraswami v. Union of India*) but the substantive statutory provisions dealing with the subject matter of a given case cannot be altogether ignored by this Court, while making an order under Article 142. Indeed, these constitutional powers cannot, in any way, be controlled by any statutory provisions but at the same time these powers are not meant to be exercised when their exercise may come directly in conflict with what has been expressly provided for in a statute dealing expressly with the subject.”

16. This Court took note of the peculiar facts arising in the aforesaid case and the fact that a settlement had been arrived at

between the parties and consequently, found it appropriate to invoke powers of this Court under Article 142 of the Constitution of India and quashed the criminal proceedings to do complete justice between the parties. Further, this Court set-aside the order of the High Court and allowed the appeal filed therein.

17. Following the aforesaid judicial dicta, in the instant case, we have again noted the following facts:

- (i) that there has been a decree of divorce by mutual consent passed between the parties;
- (ii) the appellants and respondent No.2 have also accepted the decree of divorce passed by the Family Court on 19.01.2024 which has attained finality;
- (iii) a compromise decree in full and final settlement of all claims has further been effectuated between the parties by way of which all the differences between them have come to be resolved;
- (iv) all other pending cases between the parties have come to be withdrawn; and

- (v) Respondent No. 2 has no objection to the quashing of the criminal proceedings.

18. In the considered opinion of this Court, the power under Article 142 must be invoked to advance the cause of complete justice in matters of this nature. Once the marital relationship has ended in divorce and the parties have moved on in their lives individually, the continuation of criminal proceedings against family members, especially in the absence of specific and proximate allegations, serves no legitimate purpose. It only prolongs bitterness and burdens the criminal justice system with disputes that are no longer live. The law must be applied in a manner that balances the need to address genuine grievances with the equally important duty to prevent its misuse. In appropriate cases, the power to quash such proceedings is essential to uphold fairness and bring quietus to personal disputes that have run their course. The aforesaid facts noted above reflect that both parties are not interested in pursuing the criminal proceeding.

19. A three-Judge Bench of this Court in ***State of M.P. vs. Laxmi Narayan, (2019) 5 SCC 688***, observed in paragraph 15.5 thereof that while exercising power under Section 482 CrPC to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, it is necessary to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc.

20. Applying the aforesaid to the present case, we find that the appellant herein would not come within the scope of the aforesaid observations by which the plea of the appellant for quashing of the FIR and consequent proceedings against him could be declined.

21. We also refer to ***Gian Singh vs. State of Punjab, (2012) 10 SCC 303*** wherein this Court observed that where the High Court

quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled, although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored, securing the ends of justice being the ultimate guiding factor. In this regard, a specific reference was made to offences arising out of matrimony, particularly relating to dowry, etc. or a family dispute, where the wrong is basically to the victim but the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable. The High Court may, within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.

22. In ***Naushey Ali vs. State of U.P., (2025) 4 SCC 78***, one of us (Viswanathan, J.) observed in paragraph 32 that proceeding with the trial, when the parties have amicably resolved the dispute, would be futile and the ends of justice require that the settlement be given effect to by quashing the proceedings. It would be a grave abuse of process particularly when the dispute is settled and resolved.

23. In the circumstances, while invoking our powers under Article 142 of the Constitution, we quash the chargesheet dated 07.11.2019 as well as the FIR No.67 of 2019 dated 15.05.2019 registered at P.S Radaur, District Yamuna Nagar, Haryana against appellant Nos.1 to 3 under sections 323, 406, 498-A and 506 of the IPC and all other criminal proceedings commenced pursuant thereto. Consequently, the order dated 01.08.2024 passed by the High Court is set aside. We hold so for the reason that the prosecution of the criminal case by respondent No. 2 herein is not as per her intention any longer. Moreover, the continuation of the criminal proceeding would only be an instance of harassment to the appellants having regard to the

peculiar facts of the case. Further, no fruitful purpose would be served in the continuation of the court proceedings and taking it to its logical end. In this context, we have relied upon the judicial dicta of this Court discussed above.

The appeal is allowed in the aforesaid terms.

.....J.
(B. V. NAGARATHNA)

.....J.
(K.V. VISWANATHAN)

**NEW DELHI;
AUGUST 12, 2025.**