

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

(Sr. No. 230)

CRM-M No. 42418 of 2018

Date of decision : 08.03.2022

Abdul Sattar and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Saleem Ahmed, Advocate for the petitioners.

Mr. Gurmeet Singh, AAG, Haryana.

None for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 45 dated 08.02.2015 registered under Sections 498A/406 IPC at Police Station Sector-58, Faridabad, district Faridabad.

The impugned FIR was got lodged by respondent No.2 who is petitioner No.1's former wife. As per the FIR the petitioners had treated her with cruelty and had also committed criminal breach of trust. The police investigated the matter and filed a report under Section 173 Cr.P.C. on the basis whereof the petitioners were charged under Sections 406 and 498-A IPC.

During the pendency of the trial respondent No.2 filed an application under Section 125 Cr.P.C. seeking therein maintenance from

petitioner No.1. In such proceedings, on 27.07.2018, the parties entered into a written compromise on the basis whereof respondent No.2 withdrew her application filed by her under Section 125 Cr.P.C. One of the other conditions of the compromise was that respondent No.2 would cooperate qua the quashing of the impugned FIR. The written compromise between the parties was duly exhibited by the Trial Court in the proceedings under Section 125 Cr.P.C. and taken on record as Ex.C-1. Respondent No.2's statement was also recorded in such proceedings to the effect that, in terms of the exhibited compromise, she had settled the matter with the petitioners.

On the strength of the aforesaid compromise, through the instant petition, the petitioners seek quashing of the FIR in question.

Notice of the petition was issued to respondent No.2, who in spite of service, has chosen not to appear.

In the proceedings under Section 125 Cr.P.C. a written compromise between the parties dated 27.07.2018 (Annexure P-2) was duly exhibited before the Trial Court and while appearing before such Court respondent No.2 had admitted to having entered into such compromise. One of the conditions of the compromise was that respondent No.2 would cooperate in the quashing of the impugned FIR. Further, in pursuance to the notice issued in their petition respondent No.2 has been duly served but has chosen not to appear. Thus, this Court can safely presume that due to the compromise between the parties she has no objection to the quashing of the impugned FIR.

In view of the above and because the impugned FIR arises from a matrimonial discord between petitioner No.1 and respondent No.2, which

stands amicably resolved, this Court has no hesitation in ordering the quashing of the same especially when in terms of the compromise the parties have also divorced each other.

The present petition is allowed in the above terms.

08.03.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No