

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35062-2022 (O&M)

Date of decision: 20.02.2023

Kamaljit Kaur

...Petitioner

versus

State of Punjab and another

...Respondents

CORAM:HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

Ms. Priyanka Sharma, Advocate
for respondent No.2-applicant.

NAMIT KUMAR, J. (ORAL)

CRM-41487-2022

Application under Section 482 Cr.PC for recalling of the order dated 08.08.2022 on the ground of breach of compromise has been filed by respondent No.2. In the said application it has been averred as under:-

2. *That the present petition has been filed on the basis of compromise and the Hon'ble Court has passed an order dated 08.08.2022 to record the statements before the Hon'ble Trial Court.*

3. *That the applicant/respondent No.2 has recorded her statements before the concerned court for divorce and other cases as per the spirit of the cases compromise.*

4. *That now the applicant/respondent No.2 want to shift to England along with her child for their better future and for the same purpose as per the legal requirement she has filed petition under Section 7 of the Guardian and Wards Act to declare herself as sole guardian. It is pertinent to mention here that the custody of the child was given to the respondent No.2 as per the compromise and the same was recorded in the judgment passed under Section 13-B of the Hindu Marriage Act.*

5. *That now the petitioner has instigated to her nephew (Ex. Husband) to file the objections in the above said petition with mala fide intention to harass and ruin the future of the applicant and her child.*

6. *That it was clearly mentioned in the compromise (Annexure P-2) that they will not interfere anyway in the life of the applicant/respondent No.2.*

7. *That the petitioner in the present case has committed the breach of*

compromise so the order passed by the Hon'ble Court on dated 08.08.2022 need to be recalled for a fresh hearing.

On 16.11.2022, counsel for the petitioner sought two weeks time to get instructions from the petitioner.

In view of the above averments made in the application whereby respondent No.2 resiled from the compromise, the case was adjourned for 08.12.2022. On 08.12.2022 counsel for the petitioner did not appear. Even today also the case has been called twice, however, counsel for the petitioner is not present.

In view of the above, it is clear that there is no valid compromise between the parties as on date and FIR on basis of invalid compromise cannot be quashed.

Consequently, the present petition stands dismissed.

20.02.2023

Parveen kumar

**(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No