

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

Crl. Misc. No. M-38269 of 2010 (O&M)

Date of decision: 22.01.2015

Shankar Singh Negi and another

...Petitioners

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. A.P.S. Guliani, Advocate,
for the petitioners.

Mr. Daljit Singh Virk, AAG, Punjab.

Mr. Vipin Mahajan, Advocate,
for respondent No.3.

RITU BAHRI, J.

This petition under Section 482 Cr.P.C., is for quashing of FIR No. 301 dated 14.10.2010, under Sections 406, 498-A IPC, registered at Police Station, Zirakpur, District Mohali.

Marriage of son of the petitioners was solemnized with the complainant on 29.01.2007. In this case, notice of motion was issued on 03.01.2011 when learned counsel for the petitioners made a statement that the petitioners, (father and mother-in-law of the complainant) were willing to amicably settle the matrimonial dispute with complainant-respondent No.3. Son of the petitioners is residing in U.K. and at present, he is not in touch with his parents i.e. petitioners. The maintenance awarded by the Court under Protection of Women from Domestic Violence Act is not being paid to the complainant.

Learned counsel for the petitioners states that during the

pendency of this petition, the petitioners had to look after their son, who was undergoing treatment for cancer and at this stage, they are not able to make any payment to complainant-respondent No.3 and her daughter, who is four years old.

The challan has been presented and after framing of charges, two prosecution witnesses, out of 16, have been examined.

At this stage, this petition is disposed of by giving liberty to the petitioners to take all the pleas before the trial Court. However, keeping in view the age of the petitioners, their personal appearance before the trial Court is exempted subject to the following conditions:-

(i) petitioners shall be represented through counsel; (ii) shall not delay/stall the trial proceedings; (iii) shall not dispute their identity as accused; (iv) shall have no objection, if the prosecution evidence is recorded in their absence, but in the presence of their counsel; (v) shall appear before the trial Court as and when required; and (vi) any other condition which the learned trial Court may impose.

(RITU BAHRI)
JUDGE

22.01.2015
ajp