

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

CRM-M-23072-2016

Date of decision: 13.07.2016

Kulwinder Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Narinder S. Lucky, Advocate,
for the petitioner.

Ritu Bahri, J.

The petitioner is seeking quashing of FIR No.127 dated 02.05.2013, under Sections 406/498-A IPC, registered at Police Station, Phillaur, District Jalandhar.

Allegation against the present petitioner, who is maternal aunt of the husband of complainant-Indu Bala (Respondent No.2) is that in the wedding, she was given one gold ring weighing about 10 grams. It is alleged that brother of the complainant has given Rs.50,000/- to the present petitioner in her house in the first week of January, 2013.

Learned counsel for the petitioner contends that the petitioner is residing at Jalandhar, whereas family of accused No.1 Gurdeep Singh (husband of complainant) is residing at Pbillaur. Marriage of Indu Bala-complainant and Gurdeep Singh took place on 12.12.2012. There is no occasion to give Rs.50,000/- in January, 2013 to the petitioner who is a distant relative of husband of the complainant. He further contends that after presentation of challan, trial is at the stage of recording of prosecution

evidence. An application under Section 319 Cr.P.C. has been allowed by the trial Court, whereby sister-in-law of the complainant has been summoned to face trial. The trial will start afresh and will take time for its conclusion.

Keeping in view the nature of allegation against the petitioner, no ground is made out to quash the proceedings. However, personal appearance of the petitioner before the trial Court is exempted, subject to the following conditions:-

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

Disposed of accordingly.

13.07.2016
ajp

(RITU BAHRI)
JUDGE