

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

Criminal Misc. No. M-42038 of 2015

Date of Decision:-16.11.2016

Dr. Varsha Rani

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Anil Rathee, Advocate
for the petitioner.

Mr. Manish Bansal, Deputy A.G., Haryana.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of complaint case No.657-1 dated 24.9.2015 (Annexure P-5) whereby on account of non-appearance on the part of petitioner Dr. Varsha Rani, proceedings under Section 174 IPC were initiated against her.

Learned counsel for the petitioner has argued that on the relevant date i.e. 14.8.2015 the petitioner could not appear before the Court as her daughter Ms. Prakriti was required to undergo a surgery of kidney stone, thus non-appearance on her part was bonafide and unavoidable. However, vide order dated 28.9.2015, the Court issued process under Section 174 IPC issuing summoning of the petitioner for 7.10.2015.

Learned counsel states that vide communication dated 9.9.2015 (Annexure

P-4) the petitioner has narrated her misery and has submitted that she could not appear before the Court on 14.8.2015 due to unavoidable reasons as her daughter Ms. Prakriti was required to undergo a surgery of kidney stone, and was taken to Tulip Hospital on that very day. She being the only person, who had to take care of her daughter as her husband was out of station, had a reasonable cause for her non-appearance.

Learned State counsel while referring to the reply, states that the petitioner was given ample opportunities and before 14.8.2015, she was given as many as two opportunities to appear before the Court but she failed to appear.

I have heard learned counsel for the parties.

This Court has been informed that after passing of the impugned order dated 28.9.2015, the petitioner has appeared before the Court of Judicial Magistrate 1st Class, Sonapat, on 9.9.2015 and her evidence has been recorded as witness.

Therefore, once the petitioner has appeared before the JMIC, Sonapat and recorded her evidence, the impugned order dated 28.9.2015 passed by the JMIC, Sonapat, whereby the process under Section 174 IPC was initiated against the petitioner, is hereby set aside.

Accordingly, the present petition is allowed.

November 16, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No