

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

Crl. Misc. M 34882 of 2017 (O&M)  
Date of decision: 22.9.2017

Gurpreet Kaur

...Petitioner

Versus

State of Punjab and another

...Respondent

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present: Mr. B.S. Jaswal, Advocate  
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

None for respondent No.2.

**JAISHREE THAKUR, J. (Oral)**

1. The instant petition has been filed under Section 482 of the Code of Criminal Procedure seeking for quashing of order dated 7.9.2017 passed by the learned trial court in Complaint Case No. 133 dated 2.4.2014 under Sections 323/324/325/354-A/427/504/506 IPC titled as Gurmit Kaur Versus Gurnek Singh and others, whereby the application filed by the petitioner to go abroad to continue her further study has been declined.

2. Learned counsel appearing on behalf of the petitioner contends that the petitioner had applied for admission in Master of Information Technology in Victoria University, Melbourne Australia and she was admitted to that course. The course is of two years, out of which she has already completed one year. It is submitted that, in fact, the petitioner has already paid her admission fee for the second year and she is ready to

furnish an undertaking and also ready to submit to any terms and condition that she would return to India as and when she is called.

3. Dasti notice issued to respondent No.2/complainant has been received back served, but none appears on her behalf.

4. I have heard learned counsel for the petitioner and have also perused the order dated 7.9.2017 by which the application preferred before the trial court seeking permission to travel had been declined. The learned trial court had dismissed the application on the ground that the petitioner herein had failed to place on record any document to show that she is studying in Australia, while also noting that the petitioner had disobeyed the earlier order passed by the learned Additional Sessions Judge, Amritsar, to the effect that she had left India without prior permission of the Court.

5. Even though the petitioner herein had disobeyed the court order in so far as she had gone abroad without prior permission and had returned only when non-bailable warrants had been issued to secure her presence in the Court, this Court is inclined to overlook the said conduct, simply on account of the fact that the petitioner is a young divorcee and the dispute in the complaint case is with her mother-in-law. The case is still at pre-charge stage and she has given power of attorney to her parents to appear in the Court on her behalf. The entire future of the young petitioner would be at stake, if she is not permitted to go to abroad to complete her course. Furthermore, the mother of the petitioner, who is present in Court today, makes a categorical statement that she herself would be responsible for ensuring the presence of the petitioner as and when she is required.

6. For the reasons stated above, this petition is allowed, the

impugned order is set aside. However, the permission to the petitioner to go abroad would be given to her on her furnishing an undertaking and any other condition to be imposed by the trial court/Duty Magistrate, Amritsar.

7.           The petition stands allowed with the aforesaid directions.
8.           A copy of this order be given to the counsel for the petitioner under the signatures of the Bench Secretary of this Court.

22.9.2017  
prem

(JAISHREE THAKUR)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes  
No