

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

CRM-M- 40524-2015 (O&M)

Date of Decision: November 14, 2018

Ishwar and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Anshumaan Dalal, Advocate
for the petitioners.

Ms. Gaganpreet Kaur, AAG, Haryana.

Ms. Sandeep Kaur, Advocate
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. for quashing of order dated 04.05.2015 passed by the Additional Sessions Judge, Sonapat whereby revision petition filed by the petitioners against the charge sheet dated 30.01.2015 was dismissed and order/charge sheet dated 30.01.2015 passed by Ld. JMIC, Sonapat.

Learned counsel for the petitioners contends that in the instant petition he is limiting his prayer to personal exemption of the petitioners, who are the aged parent-in-laws of respondent No.2.

Learned counsel for the respondent opposes this prayer by stating that the trial is underway and the petitioners have rightly been

summoned and charge-sheeted in the said FIR.

I have heard learned counsel for the parties and without going into the merits of the case, deem it appropriate to allow the limited prayer for the personal exemption of petitioners to appear in the trial Court. This order is being passed in view of the fact that petitioner No.1, who is the father-in-law of respondent No.2. is approximately aged 71 years and the petitioner No.2 who is the mother-in-law is aged about 68 years old and it would be inconvenient for them to appear on each and every dated owing to their old age.

The presence of the petitioners before the trial Court is exempted till further orders, subject to the following conditions-

- (i) *That the counsel for the petitioners shall keep on appearing in the Court on each and every date of hearing.*
- (ii) *That the counsel for the petitioners will give undertaking before the Court about the instructions of the petitioners to cross-examine the witness(s) in his absence.*
- (iii) *That the petitioners will not dispute the identity of the witnesses examined in his absence.*
- (iv) *That the petitioners will give undertaking in the Court that he will put in appearance on every date as and when required by the Court.*
- (v) *any other condition that the trial Court may impose.*

Petition stands disposed of in the above-said terms.

November 14, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No