

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

CRM-M-8215-2016 (O&M)

Date of Decision: 27.07.2018

Kamlesh Rani and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rakesh Gupta, Advocate
for the petitioners. s

Ms. Seena Mand, DAG,Punjab.

Mr. Nakul Sharma, Advocate
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed for quashing of the summoning order in criminal complaint No. 11 dated 06.02.2015 pending before the Court of Sub Divisional Judicial Magistrate, Amloh and summoning order dated 10.07.2015 under Sections 498-A, 406 of the Indian Penal Code.

Learned counsel for the petitioners contends that the marriage between the son of the petitioners herein and the complainant was solemnized as far back as January, 2008 and out of this wedlock, two children-one female and one male were born. It is also contended that false cases have been filed against the petitioners herein and the matter was

investigated on several occasions and the petitioners were found innocent. A cancellation report was prepared in proceedings that have been initiated under the FIR. It is only thereafter that the instant complaint under Sections 498-A, 406 of IPC was registered in which the petitioners have been summoned and it is in this background that the petitioners pray for quashing of the impugned order as well as the complaint.

Per contra, learned counsel appearing on behalf of the complainant submits that there are specific allegations that have been made out against the petitioners and their son, who is the husband of the complainant and without leading evidence in the matter, the proceedings ought not to be stalled or quashed. It is also submitted that there was no stay in the instant petition, which came to be filed as far back as on 26.02.2016 and it is at the stage of prosecution evidence, which is being stalled on account of several applications that have been preferred by the petitioners herein.

I have heard learned counsel for both the parties and gone through the record.

Without going into the merits of the case, this Court deems it appropriate to dispose of the petition by directing the trial Court to expedite the hearing in the matter.

The petitioners herein have already moved an application seeking exemption from their personal appearance which is pending consideration for 30.07.2018. Even though the said matter is pending consideration, this Court exempts the personal appearance of the petitioners herein, subject to the following conditions:-

- (i) That the petitioners shall furnish bail bonds to the satisfaction of the trial Court, if not furnished.
- (ii) That the counsel for the petitioners keeps on appearing in the Court on each and every date of hearing.
- (iii) 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 their absence.
- (iv) That the petitioners will not dispute the identity of the witnesses examined in their absence.
- (v) That the petitioners will give undertaking in the Court that they will put in appearance on every date as and when required by the Court.

Petition stands disposed of.

July 27, 2018
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/Nos