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

**CRM No.33243 of 2019 IN/AND
CRM-M-1092 of 2019
Date of decision: October 31, 2019**

Anita Nijhawan

.....Petitioner

Versus

Heer Ketanbhai Kamdar

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Manoj Kumar, Advocate for the applicant-petitioner.

MAHABIR SINGH SINDHU, J

CRM No.33243 of 2019

Present application has been filed for listing of the case for hearing and placing on record Annexure P-9 (General Power of Attorney) and Annexure P-10 (order dated 30.08.2019).

Heard.

For the reasons stated in the application, the same is allowed as prayed for, subject to all just exceptions. Annexures P-9 and P-10 are taken on record. Main case, i.e. CRM-M-1092 of 2019 is also taken on Board today itself.

Registry to do the needful.

CRM-M-1092 of 2019

Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for quashing of complaint No.3570 of 2017 dated 06.05.2017 titled as “Heer Ketanbhai

Kamdar versus M/s Anand Boards and others' as well as summoning order dated 04.01.2018 passed by learned Judicial Magistrate Ist Class, Chandigarh along with all consequential proceedings arising therefrom.

Learned counsel for the petitioner, instead of challenging the impugned order as well as complaint, has confined his prayer only for seeking exemption from personal appearance of the petitioner, before learned trial Court.

Prayer seems to be justified and is accepted.

Petition stands disposed off. However, personal appearance of the petitioner, before the learned trial Court, shall remain exempted, until the stage of recording of statement under Section 313 of Cr. P.C., subject to following conditions, but it is made clear that in case any adverse order is passed against her, she shall not raise any grievance for the same:-

- (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 learned trial Court as and when required;
- (vi) Any other condition which the learned trial Court may impose.

(MAHABIR SINGH SINDHU)
JUDGE

October 31, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No