

116.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

I.

CRM-M-34538-2015

Date of decision: 26.11.2019.

LOVEKESH SHARMA AND ANR.

.... Petitioners

versus

STATE OF PUNJAB AND ANR.

.... Respondents

II.

CRM-M-12386-2018

ABHISHEK SHARMA

... Petitioner

versus

STATE OF PUNJAB AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. L.M. Gulati, Advocate,
for the petitioner(s).

Mr. Saurav Khurana, DAG, Punjab,
for respondent No.1.

Mr. A.P.S. Sandhu, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

This order shall dispose of two petitions i.e. ***CRM-M-34538-2015*** titled as ***Lovekesh Sharma and another Versus State of Punjab and another*** and ***CRM-M-12386-2018*** titled as ***Abhishek Sharma Versus State of Punjab and another.***

Prayer in both these petitions filed under Section 482 Cr.P.C. is for quashing of FIR No.21 dated 05.03.2015 registered under Sections 406/498-A of IPC at Women Police Station, Amritsar, District Amritsar and all consequential proceedings arising therefrom.

At this stage, learned State counsel, on instructions from ASI Avtar Singh, states that the petitioners have not incorporated complete facts, as the aforesaid FIR has been investigated and challan has already been presented in the Court on 26.11.2015. In both these cases, investigation has been completed and challan has been presented against the petitioners and there is no challenge to the challan.

At this stage, learned counsel for the petitioners states that though there is some material to establish that present is a proxy litigation at the behest of respondent No.2, but irrespective of the fact that the petitioners are otherwise innocent in the case, they are ready to face trial, however, considering the nature of allegation and the age of the petitioners in CRM-M-34538-2015, they may be granted personal exemption from appearance.

Learned counsel for the complainant has argued that there are serious allegations against the petitioners.

I have heard counsel for the parties.

Present is a matrimonial dispute. The marriage between the parties was solemnized on 04.12.2011, whereas the FIR was registered on 05.03.2015. Considering the submission made by counsel for the petitioners, the present petitions are disposed of at this stage with a direction that in case the petitioners i.e. in-laws Lovekesh Sharma and Shikha Sharma (in CRM-M-34538-2015) moves an application before the trial Court seeking

exemption from personal appearance, the trial Court shall grant them personal exemption unless their presence is specifically required. As regard the petitioner-husband i.e. Abhishek Sharma (in CRM-M-12386-2018), the trial Court shall form an independent opinion, on the submission made by learned counsel for the petitioner for his exemption from personal appearance. The trial Court shall be well within rights to form its independent opinion for such relief.

Disposed of.

(HARI PAL VERMA)
JUDGE

26.11.2019
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.