

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-53169-2019 (O&M)
Date of Decision:-12.12.2019

Rajni Bala

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vivek Sharma Vats, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

Today, at the very outset, the learned counsel for the petitioner submits that he may be permitted to withdraw the present petition with liberty to raise all the points raised herein before the Trial Court at appropriate stage including his plea to the effect that the petitioner has been falsely implicated merely on account of the fact that the marriage of her son, which was earlier fixed with the complainant, was subsequently called off due to some reasons.

During the course of arguments, the learned counsel has also submitted that infact the marriage already stood called off in the month of December 2018 as would be evident a from letter written by complainant's father to the marriage palace (Annexure P-4), wherein he has admitted the factum of cancellation of marriage, whereas the present FIR came to be lodged subsequently wherein some allegations rather in contradiction have been levelled. It has also been argued that, in any case, neither any offence

under Section 376 IPC can be said to be made out against the petitioner nor it can be said that any article had been entrusted to her which had been dishonestly misappropriated by her.

The present petition is dismissed as withdrawn as specifically prayed for with liberty to the petitioner to raise all the aforesaid points before the Trial Court, which shall be duly considered by the Trial Court at appropriate stage.

Since the petitioner is a lady aged about 59 years, therefore, in case any application is moved by the petitioner before the Trial Court seeking her exemption from personal appearance, the same shall be considered sympathetically in accordance with law keeping in view the age of the petitioner.

12.12.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether reasoned/speaking

Yes / No

Whether reportable

Yes / No