

Darshna Devi

.....Petitioner

versus

Harpal

.....Respondent

CORAM HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present Mr.Neeraj Kumar, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J(ORAL)

Present petition has been filed under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C') for quashing of summoning order dated 05.12.2016, issued by learned Judicial Magistrate Ist Class, Faridabad and order dated 30.10.2018, passed by learned Additional Sessions Judge, Faridabad in complaint No.247 dated 19.09.2015.

After arguing for some time, learned counsel for the petitioner wishes to withdraw the present petition but confines his prayer only for seeking exemption from personal appearance before the learned trial Court during the pendency of the complaint.

Prayer seems to be justified and accepted.

Petition is dismissed as withdrawn with liberty to the relief of appearance through counsel before learned trial Court up till the stage of recording of statement under Section 313 Cr.P.C, subject to the following conditions:-

- i. *petitioner shall be represented through counsel;*
- ii *shall not delay/stall the trial proceedings;*
- iii *shall not dispute their identity as accused;*
- iv *shall have no objection if the prosecution evidence is recorded in their absence but in the presence of their counsel;*
- v *shall appear before the trial Court as and when required by the trial Court and*

vi *any other condition which the learned trial Court may impose.*

However, it is made clear that the petitioner shall not have any grievance in case any adverse order is passed on account of her non appearance in person.

26.02.2019
mamta

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No