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

CRM-M-4777-2022

Date of decision : 08.02.2022

Balvir Singh

...Petitioner

Versus

Satnam Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. J.S. Ghumman, Advocate for the petitioner.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of complaint case registered as SC No.35 of 2016 dated 30.01.2016 (filed on 07.06.2010) under Sections 307, 326, 324, 34 of the Indian Penal Code, 1860 (Annexure P-1) and all the subsequent proceedings arising therefrom.

Learned counsel for the petitioner has submitted that in the present case, the complainant-Satnam Singh (respondent) has given an affidavit dated 06.01.2022 (Annexure P-5) that he had named the present petitioner on account of misunderstanding and the present petitioner was not the person who had given injury to him. Reference has also been made to the order dated 22.11.2021 passed by this Court in CRM-M-47838-2021

wherein, the petitioner had challenged the order dated 22.04.2016 declaring the petitioner to be proclaimed offender, the counsel for the complainant had appeared and had made a statement to the effect that the matter has been compromised and he has no objection in case the present petition is allowed.

Learned counsel for the petitioner has submitted that in pursuance of the order dated 22.11.2021, the petitioner has appeared before the trial Court but no effective proceedings are going on before the trial Court and the petitioner is appearing before the trial Court on each and every date in spite of the fact that the matter has been compromised.

Learned counsel for the petitioner is limiting his prayer to the effect that personal appearance of the petitioner before the trial Court may kindly be exempted.

In view of the abovesaid facts and circumstances, learned counsel for the petitioner has submitted that regarding quashing of complaint case and all the subsequent proceedings arising therefrom, he seeks permission of this Court to withdraw the present petition with liberty to the petitioner to take up all the points which have been raised in the present petition as well as those available to him during the course of trial before the trial Court.

In view of the above, the present petition is dismissed as withdrawn with liberty to the petitioner to take up all the points which have been raised in the present petition as well as those available to him during the course of trial before the trial Court.

However, since a perusal of the affidavit (Annexure P-5) as well as order dated 22.11.2021 passed in CRM-M-47838-2021 show that

the matter has been compromised between the petitioner and the complainant-Satnam Singh, the personal appearance of the petitioner before the trial Court is exempted, subject to the following conditions:-

- i) Petitioner shall be represented through his counsel;*
- ii) shall not delay/stall the trial proceedings;*
- iii) shall not dispute his identity as accused;*
- iv) shall have no objection if the prosecution evidence is recorded in his absence but in the presence of his counsel;*
- v) shall appear before the trial Court as and when required by the trial Court;*
- vi) any other condition which the trial Court may impose.*

It is, however, made clear that in case, the petitioner wants to go abroad then, the petitioner will have to move an appropriate application before the trial Court seeking permission to go abroad and it is only after the said permission is granted, the petitioner be permitted to go abroad.

08.02.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**