

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(268)

CRM-M-15862-2021 (O&M)

Date of decision:- 10.10.2022

Sunny Gandhi

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Amit Dhawan, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana for State-respondent No.1.

...

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.1262 dated 04.12.2018, registered for offences under Sections 323, 406, 498-A and 506 of the Indian Penal Code, 1860, at Police Station Chandni Bagh, District Panipat, Annexure P-1, along with all subsequent proceedings arising therefrom.

Counsel for the petitioner has made a reference to the statements of the parties, Annexures P-3 and P-4, recorded in proceedings under Section 13-B of the Hindu Marriage Act, 1955 to submit that all the claims *inter se* have been settled and marriage has been dissolved by mutual consent by judgment and decree dated 09.06.2020, Annexure P-5. Counsel submits that despite these developments, the complainant-respondent No.2 is

not coming forward for quashing of the criminal proceedings. At this stage, he, however, submits that as he is not in a position to serve respondent No.2 whose address and whereabouts are not to his knowledge, he does not press the petition and seeks liberty to raise all the pleas before the Trial Court.

Counsel further submits that the petitioner, who is resident of Jalandhar, has to appear before the Trial Court at Panipat on each and every date of the proceedings. He has requested that the personal appearance of the petitioner be exempted.

Request made by the counsel has been considered.

Petition is disposed of with a direction that the personal appearance of the petitioner shall remain exempted from the Trial Court subject to the following conditions:-

- (i) That the counsel for petitioner will keep on appearing in the Court on each and every date of hearing.
- (ii) That the counsel for petitioner will give an undertaking before the Court about the instructions of the petitioner to cross-examine the witness(es) in his absence.
- (iii) That the petitioner will not dispute the identity of the witnesses examined in his absence.
- (iv) That the petitioner will give an undertaking in the Court that he will put in appearance on every date as and when required by the Court.

Petitioner is also granted liberty to raise all the available pleas before the Trial Court at an appropriate stage.

(SUVIR SEHGAL)
JUDGE

10.10.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No