

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(127)

CRM-M-17077-2022

Date of Decision: 26.04.2022

Tejinder Kaur

--Petitioner

Versus

Rajwinder Kaur Jattana

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. G.S. Sidhu, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 482 Cr.P.C praying for quashing the proceedings in complaint no. COMA/68/2022 dated 25.2.2022 titled as Rajwinder Kaur Vs. Tejinder Kaur under Section 12(1) of Protection of Women from Domestic Violence Act, 2005 pending in the court of JMIC, Jagraon, District Ludhiana.

Having argued the matter at some length, learned counsel for the petitioner prays for withdrawal of the present petition with liberty to avail the remedies as available to the petitioner in accordance with law.

Prayer is allowed.

Dismissed as withdrawn with the liberty, as prayed for.

At this stage, counsel submits that petitioner is a senior citizen and a widow lady. Complainant, who is daughter-in-law has mischievously filed the complaint in question to harass the son of the petitioner. Both were residing in Canada and her son died in Canada itself. Complainant has filed the complaint after coming from Canada only to harass the petitioner. In these circumstances the physical appearance of the petitioner before the Trial Court may kindly be exempted.

In view of the above position, the trial Court is directed to consider the application moved by the petitioner for the grant of exemption from her personal appearance during trial subject to the petitioner filing affidavit to the following effect:-

1. That petitioner will have no objection if the statements of witnesses are recorded in her absence but in the presence of his counsel.
2. That she will appear before the trial Court as & when required to do so by it.
3. That she will abide by any other condition imposed by the trial Court while granting her exemption from personal appearance.

26.04.2022
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No