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

CRM-M-20645-2022

Date of decision : 31.05.2022

Rashmi Tandon

...Petitioner

Versus

TCI Freight

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Munish Mittal, Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of Complaint No.138/7648/18 dated 25.05.2018 (Annexure P-1) registered under Section 138 of the Negotiable Instruments Act, 1881 at Police Station Sushant Lok, Gurugram and summoning order dated 25.05.2018 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Gurugram.

After arguing for sometime, learned counsel for the petitioner seeks permission of this Court to withdraw the present petition with liberty to the petitioner to take up all the points as raised in the present petition and as are available to her, at the relevant stage before the trial Court.

In view of the above, the present petition is dismissed as withdrawn with liberty aforesaid.

Learned counsel for the petitioner has further submitted that petitioner is a 63 year old lady and is a resident of Bangalore, Karnataka and there are two other accused in the present case and thus, prays that her personal appearance before the trial Court may kindly be exempted.

Keeping in view the abovesaid facts as stated by learned counsel for the petitioner that petitioner is a 63 year old lady and is a resident of Bangalore, Karnataka and there are two other accused in the present case, thus, the personal appearance of the petitioner before the trial Court is exempted, subject to the following conditions:-

- i) Petitioner shall be represented through her counsel;
- ii) shall not delay/stall the trial proceedings;
- iii) shall not dispute her identity as accused;
- iv) shall have no objection if the prosecution evidence is recorded in her absence, but in the presence of her counsel and will never raise a plea either before the trial Court or in appeals/revisions etc. that the prosecution evidence has been recorded in her absence or the proceedings have been conducted in her absence;
- 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.

31.05.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**