

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(120-II)

CRM-M-41159-2022

Date of decision: - 09.09.2022

Paramjeet Kaur

....Petitioner

Versus

Rajeshwar Kumar Sharma

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Tanvir Joshi, Advocate
for the petitioner.

VIKAS BAHL, J. (ORAL)

Present petition has been filed under Section 482 of Cr.P.C. for quashing of the complaint No.NACT/41/2015 dated 31.03.2015 titled as 'Rajeshwar Kumar Sharma Vs. M/s Baba Farid Stone Crusher & others' pending in the Court of Sub-Divisional Judicial Magistrate, Mukerian as well as the summoning order dated 08.04.2016 (Annexure P-2) passed by the Sub-Divisional Judicial Magistrate, Mukerian.

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 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In view of the above, the present petition is dismissed as withdrawn with liberty aforesaid.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 made a prayer that the petitioner No.2 is a 62 year old lady and she is a resident of Sri Muktsar Sahib, whereas the proceedings are at Mukerian, District Hoshiarpur 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, 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.

September 09, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No