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

CRM-M-54471-2021

Date of decision : 09.02.2022

Sandeep Kumar @ Sandeep Chugh and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. L.S. Sidhu, Advocate for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is second petition filed under Section 482 of Cr.P.C. for quashing of FIR No.340 dated 24.09.2021 registered under Sections 323, 34 and 447 of the Indian Penal Code, 1860 at Police Station Civil Line, Sonipat, District Sonipat (Annexure P-5), Challan Report dated 24.11.2021 (Annexure P-6) and all the consequential proceedings arising therefrom.

After arguing for sometime, learned counsel for the petitioners seeks permission of this Court to withdraw the present petition with liberty to the petitioners to take up all the points as raised in the present petition and available to them, 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In view of the above, the present petition is dismissed as withdrawn with liberty aforesaid.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 petitioners has further made a prayer that petitioner No.2 is resident of District Jind whereas the proceedings are going

on in District Sonipat and the present dispute has arisen out of the matrimonial dispute between petitioner No.1 and his wife namely Latika Arora and also on account of dispute of custody of the child of petitioner No.1 and said Latika Arora. He has submitted that petitioner No.2 is brother-in-law of Latika Arora and has his own business and thus, prays that his personal appearance before the trial Court may kindly be exempted.

Keeping in view the abovesaid facts as stated by learned counsel for the petitioners that the present FIR is an offshoot of the matrimonial dispute and dispute regarding custody of the child between petitioner No.1 and his wife namely Latika Arora and petitioner No.2 is the brother-in-law of said Latika Arora and also the fact that petitioner No.2 is resident of District Jind whereas proceedings are going on in District Sonipat and the fact that the petitioner No.2 has to attend his business, thus, the personal appearance of petitioner No.2 before the trial Court is exempted, subject to the following conditions:-

- i) Petitioner No.2 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.

09.02.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**