

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

CRM-M No.40918 of 2023

Date of Decision:07.11.2023

Sanjeev Goswami and another

... Petitioners

Versus

Usha Rani and another

... Respondents

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Narender Singh Kamboj, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. praying for quashing of complaint No.NACT/449 of 2021 titled as *Usha Rani Vs. Kapil Bansal and others* (Annexure P-1) pending consideration before the learned Sub Judicial Magistrate, Phagwara, District Kapurthala and the summoning order dated 28.09.2021 (Annexure P-2) qua petitioners herein.

2. After arguing for some time, learned counsel appearing for the petitioners seeks to withdraw the instant petition, however, seeks indulgence of this Court to the extent that exemption from personal appearance before the learned trial Court may be granted to the petitioners.

3. The instant petition is dismissed as withdrawn. However, in view of the ratio laid down by this Court in CRM-M No.25963 of 2023 titled as ***Suresh Kumar and another Vs. The State of Haryana and another 2023 (2) Law Herald 1498***, the personal appearance of the petitioners before the learned trial Court is ordered to be exempted, subject to the following conditions:-

i). Petitioner shall be represented through his counsel;

ii). shall not delay/stall the trial proceedings;

- iii). shall not dispute their identity as accused;
- iv). shall have no objection if the prosecution evidence is recorded in their absence but in the presence of his counsel;
- v). shall appear before the trial Court as and when required; and
- vi). any other condition, which the trial Court may impose.

(HARPREET SINGH BRAR)
JUDGE

November 07, 2023
Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No