

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-49992 of 2019

Date of Decision: 09.03.2023

Sukhbir Kaur @ Rani and others

---Petitioners

versus

Paramjit Kaur

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sandeep Arora, Advocate
for the petitioners

JAGMOHAN BANSAL, J. (ORAL)

The petitioners through instant petition under Section 482 Cr.P.C. are seeking quashing of Complaint No. 78 dated 11.05.2018 (Annexure P-1), filed under Protection of Women from Domestic Violence Act, 2005 (for short “D.V.Act”) which is pending before Additional Chief Judicial Magistrate, Gurdaspur

Learned counsel for the petitioners, at the outset, states that there is typographical error in head note wherein Sections 9(b) and 37(2)(C) of D.V.Act is mentioned whereas correct Section is 12 of D.V.Act.

Learned counsel for the petitioners, on being confronted with the fact that the trial Court has not passed any adverse order, prays that personal appearance of the petitioners may be exempted and their right to challenge any adverse order passed against them may be protected.

Without commenting on merits of the case, the petition is disposed of with following directions :

- i) Personal appearance of the petitioners before trial Court shall remain exempt;
- ii) The petitioners shall remain present as and when specifically called by the trial Court;
- iii) The petitioners shall not raise any grouse on the sole ground of his absence, if any adverse order is passed against the petitioners;
- iv) The petitioners shall be at liberty to raise all the pleas before the trial Court and avail remedies as permissible by law, if any adverse order is passed against them.

(JAGMOHAN BANSAL)
JUDGE

09.03.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No