

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

CRM-M-62174-2023

Date of decision : 11.12.2023

MAMTA AND ANOTHER

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Jasneet Mehra, Advocate
for the petitioners.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI.J. (ORAL)

1. The instant petition is filed under Section 482 of the Cr.P.C, for quashing of FIR No.427 dated 25.09.2020, under Sections 323, 34 and 506 of IPC, registered at Police Station Palam Vihar, District Gurugram. On the ground that the instant FIR is nothing but an abuse of law and counter-blast to the on-going civil litigation amongst the parties.
2. Learned counsel for the petitioners submits that petitioner No.2 namely, Divya Rawal, who is about 24 age and is of marriageable age has been falsely implicated just to put a pressure upon the petitioners-accused to compromise the other litigations. She further submits that the CCTV footage which captured the alleged occurrence clearly depict that she was not present at the place of occurrence.
3. Be that as it may, all these issues, which have been raised before this Court, are highly disputed question of facts, which needs to be established by way of leading evidence before the learned trial Court.

4. Considering the age of petitioner No.2, learned counsel for the petitioner further submits that she may be granted exemption from appearing before the trial court as she is also pursuing her career and her presence before the trial Court would hamper her future career.

5. None-the-less considering the above highly disputed question of facts, this Court is not inclined to interfere at this stage. However, liberty is granted to the petitioner to raise all such pleas before the learned trial Court concerned at an appropriate stage. Thereupon the trial Court shall take into consideration all the pleas raised by the present petitioner, further if petitioner No.2 files an application for exemption from personal appearance before the learned trial Court concerned during the pendency of the trial, her application shall be considered by the learned trial Court in a sympathetic manner considering all facts and circumstances and giving opportunity of hearing to other party.

7. Disposed of accordingly.

(KULDEEP TIWARI)
JUDGE

11.12.2023
monika

Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No