

RANG LAL MALIK AND ANOTHER

...PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sanjiv Gupta, Advocate for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Ms. Nandini Gupta, Advocate for

Mr. Abhilaksh Grover, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

1. Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No.871 dated 17.12.2016 registered under Sections 323, 34, 354(A)(1), 498A, 506 IPC at Police Station Central Faridabad (Annexure P-4) along with report dated 31.07.25018 under Section 173 Cr.P.C. and all the subsequent proceedings arising therefrom.
2. Learned counsel for the petitioners submits that the investigating agency has already concluded the investigation and the case is fixed for 20.04.2024 for framing of charges before the learned trial Court.
3. Learned counsel the petitioners wishes to withdraw the present petition and seeks liberty to raise all the pleas taken in the present petition before the learned trial Court, at the appropriate stage including at the time of framing of charges, during the trial. However, he confines his prayer to the extent that the both the petitioners are senior citizens and they are resident of Chandigarh and the trial of the FIR (supra) is pending before the jurisdictional Magistrate at Faridabad and attending the trial at each and every date would cause great inconvenience and hardship to them.

CRM-M-2891-2019 (O & M)

4. The instant petition is dismissed as withdrawn with the liberty as prayed for. However, in view of the ratio laid down by this Court in *CRM-M-25963-2023* 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) petitioners shall be represented through their 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 their counsel;
- v) shall appear before the trial Court as and when required; and
- vi) any other condition, which the trial Court may impose.

April 15, 2024
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |