

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

CRM-M-7734-2021

Date of decision: 22.04.2024

SHINGARA SINGH AND ORS

....PETITIONERS

Versus

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: - Mr. Gourav Goel, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR bearing No.100 dated 01.09.2019 registered under Sections 452/323/354-A/509/506/149 IPC at Police Station Bhadson, District Patiala (Annexure P-1) along with all subsequent proceedings arising therefrom.

2. Learned counsel for the petitioners submits that complainant is now married to the daughter of petitioner No.1 and they are happily cohabiting as husband and wife and one female child was born out of this wedlock. The genesis of the present controversy lies in the fact that the petitioners were opposed to the relationship of respondent no.2-complainant and daughter of petitioner No.1, which caused them to elope. The petitioners have absolutely no involvement in the marital life of the said couple.

3. Learned counsel for the petitioners seeks to withdraw the present petition with liberty to raise all the pleas taken in the present petition at the appropriate stage during the course of the trial. He further submits that all the sundry members of the family of petitioner No.1 have been implicated in the present FIR and attending the trial on each and every date which would cause them great hardship and inconvenience, especially considering that some of the petitioners are household ladies. Therefore, learned counsel prays for exemption from their personal appearance before the learned trial Court.

4. In view of the facts and circumstance of the case and the ratio laid down by this Court in *Suresh Kumar and another Vs. The State of Haryana and another* 2023 (4) R.C.R.(Criminal) 304, 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 proceedings;
- (iii) shall not dispute their identity;
- (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 Court as and when required; and
- (vi) any other condition, which the Court below may impose.

5. Disposed of, accordingly with liberty aforesaid.

22.04.2024
Anu

(HARPREET SINGH BRAR)
JUDGE

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