



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

CRM-M-11891-2023
Date of decision: 18.07.2024

OM PARKASH AND OTHERS

...PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rishi Pal Singh, Advocate for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (ORAL)

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.408 dated 21.11.2022 registered under Sections 406, 498-A, 323, 506, 34 IPC (Annexure P-1) at Police Station Nissing Karnal and all the subsequent proceedings arising therefrom.
2. Reply dated 08.04.2024 filed by way of an affidavit of Gurmail Singh, HPS Dy. Superintendent of Police Traffic, Karnal on behalf of respondent No.1-State is taken on record.
3. Learned counsel for the petitioners submits that the petitioners are the family members of the husband of the complainant and they have been falsely implicated only on this account. However, learned counsel 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, during the course of trial and he confines his prayer to the extent that petitioner Nos.1 and 2 are senior citizens and petitioner No.3 (sister of husband of the complai-

nant) is unmarried and attending the trial at each and every date would cause great inconvenience and hardship to them.

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 The instant petition is dismissed as withdrawn with the liberty as prayed for.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.

July 18, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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