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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16576-2024 (O&M)
Date of decision: 08.04.2024

Parveen Ahuja and another

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

1. The prayer in the present 2nd petition filed under Section 482 Cr.P.C. is for quashing of FIR No.46 dated 22.01.2019 under Sections 354, 377, 406, 498-A, 506 of IPC, registered at Police Station City Sirsa, District Sirsa and all the subsequent proceedings emanating therefrom.
2. Learned senior counsel for the petitioners fairly submits that earlier petition filed seeking quashing of FIR (*supra*) was dismissed as withdrawn on 19.07.2023 and in view of that order, he would not press the instant petition on merits and wishes to withdraw the same with liberty to raise all the pleas taken in the present petition before the learned trial Court at appropriate stage. However, he confines the prayer to the extent that since petitioner No.1 is aged about 61 years and petitioner No.2 is 63 years of age

and attending trial on each and every date would cause great inconvenience and hardship to them, thus, it is prayed that personal appearance of the petitioners before the learned trial Court may be exempted.

3. In view of the above, the instant petition is dismissed as withdrawn with the liberty aforesaid. 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***, personal appearance of the petitioners before the learned trial Court is ordered to be exempted, subject to the following conditions:-

- i) petitioners will be represented through their counsel;*
- ii) will not delay/stall the trial proceedings;*
- iii) will not dispute their identity as accused;*
- iv) will have no objection if the prosecution evidence is recorded in their absence but in the presence of their counsel;*
- v) will appear before the trial Court as and when required; and*
- vi) any other condition, which the trial Court may impose.*

08.04.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No