



217 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-30915-2018 (O&M)
Date of Decision: 13.12.2024

MOHAN BENIWAL AND ANOTHER

...Petitioners

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Balraj Gujjar, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

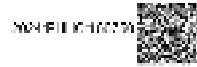
Mr. Sumit Sharma, Advocate for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. Present petition has been filed under Section 482 of Cr.P.C. seeking quashing of FIR bearing No. 363 dated 07.06.2018 (Annexure P-1) registered under Sections 323, 34, 498-A and 506 of Indian Penal Code at Police Station Sadar Bhiwani.

2. Learned counsel for the petitioners wishes to withdraw the present petition and seeks liberty to take all the pleas raised in the present petition at the appropriate stage during the course of trial. However, learned counsel for the petitioners confines his prayer to the effect that petitioner No. 1 is currently working in Assam and petitioner No. 2 is a senior citizen and household lady and attending trial on each and every date is causing great hardship and inconvenience to the petitioners and it is also affecting livelihood of petitioner No. 1. Therefore, he prays for exemption from personal appearance of the petitioners from the trial Court.

4. In view of the above, present revision petition stands dismissed as



withdrawn with liberty as aforesaid.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, 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.

13.12.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No