

HARBHAGWAN AND ANR

V/S

STATE OF HARYANA AND ANR

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

HARPREET SINGH BRAR J. (ORAL)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR bearing No.67 dated 29.03.2018 (Annexure P-1) registered under Sections 323/34/376/406/498-A/506/511 of IPC wherein challan has been presented under Sections 323/34/406/498-A/506 of IPC registered at Women Police Station Jind, District Jind and all consequential proceedings arising therefrom.

2. Learned counsel for the petitioners *inter alia* contends that the petitioners are senior citizens and they have been involved in this case only because of being parents of husband of respondent No.2.

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 during the trial. However, he confines his prayer to the extent that the petitioners are resident of Rohtak, whereas, the trial of the FIR (supra) is progressing at Jind and attending the trial at each and every date would cause great inconvenience and hardship to them.

CRM-M-32513-2018

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 The instant petition is dismissed as withdrawn with the liberty as prayed for.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

(HARPREET SINGH BRAR)
JUDGE

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