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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19062-2024 (O&M)
Date of decision: 22.04.2024

Pooja

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mrs. Kanwal S. Walia, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of order dated 23.02.2024 passed by learned Judicial Magistrate 1st Class, Ludhiana in FIR No.89 dated 29.12.2020 under Sections 406 & 498-A of IPC, registered at Police Station Women, Ludhiana, vide which personal appearance of the petitioner was permanently exempted.
2. Learned counsel for the petitioner, *inter alia*, contends that learned trial Court fell into grave error by granting permanent exemption to private respondents from personal appearance, without any justifiable cause. Learned trial Court has acted in a completely erroneous and unjustified manner, which is against the facts and applicable law to the issue at hand. Even the private

respondents have approached this Court by filing the quashing petition bearing CRM-M-32489-2022, which was dismissed in limine and observations have been made that specific role has been attributed to them in the FIR (*supra*). As such, they were not entitled to grant exemption from personal appearance before learned trial Court. To substantiate her arguments, learned counsel for the petitioner has relied upon a judgment of Delhi High Court in ***Geetanjali Woolens Pvt. Ltd. and others Vs. Pearl Inter Continental***, passed in ***Crl. Revisions No.679 & 698 of 2002***, decided on 27.03.2003 and judgment of Allahabad High Court in ***Ramesh Handa Vs. State of U.P. and 2 others***, passed in ***Crl. Misc. Application No.5613 of 2015***, decided on 25.02.2015.

3. Per contra, learned State counsel appears on advance notice and on instructions from ASI Devinder Pal Singh, submits that present petition is totally misconceived and FIR (*supra*) was registered in the year 2020 and only one, out of total 16 prosecution witnesses has been examined.

4. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, this Court finds no force in the arguments raised by learned counsel for the petitioner.

5. Perusal of the record indicates that FIR (*supra*) was registered on 29.12.2020 and both the private respondents are ladies and they are residents of District Bhiwani, whereas trial of the case is progressing at Ludhiana and as such, in view of the ratio of law laid down by the Hon'ble Supreme Court in ***Chintamani Das Vs. State of Orissa, (2016) SCC OnLine Ori 971, M/s Bhaskar Ind. Ltd. Vs. M/s Bhiwani Denim & Apparels Ltd., 2001 (4) RCR (Crl.) 137, Chandu Lal Chandraker Vs. Puran Mal, 1988 SCC (Cri.) 907*** and

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*, attending trial on each and every date would cause great inconvenience and hardship not only to them, but also to their family members.

6. The judgments relied upon by learned counsel for the petitioner in *Geetanjali Woolens Pvt. Ltd.*'s case (supra) and *Ramesh Handa*'s case (supra) are not applicable to the present case, as each case is to be decided on its own facts.

7. Keeping in view the law laid down in the cases referred to in para No.5 of this judgment, this Court finds no illegality or perversity in the impugned order dated 23.02.2024 (Annexure P-1). Accordingly, present petition is dismissed.

[HARPREET SINGH BRAR]
JUDGE

22.04.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No