

112 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

CRM-M-18635-2024
Date of decision: 19.04.2024

Dolly

....Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.190 dated 10.09.2022 under Sections 323/342/354/406/498-A/506 of IPC registered at Police Station Panjokhara, District Ambala (Annexure P-1) and charge sheet dated 31.01.2023 (Annexure P-3) as well as subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits that the petitioner is married sister-in-law of respondent No.2 and she got married on 02.12.2010 i.e. 11 years prior to the marriage of respondent No.2 with the brother of the petitioner.

Per contra, the learned State counsel submits that the present petition is not maintainable as the earlier petition seeking the same relief was filed before this Court vide CRM-M-1897-2023 titled as 'Dolly and others Vs. State of Haryana and another' and the same was dismissed as withdrawn on 13.01.2023.

Learned counsel for the petitioner submits that the earlier petition was filed when the investigation was pending and the second petition would be

maintainable as now the final report has been filed against the petitioner. Nevertheless, learned counsel for the petitioner wishes to withdraw the present petition with liberty to raise all the pleas taken in the present petition before the learned trial Court at appropriate stage during the course of trial. However, he confines his prayer to the extent of seeking exemption of the petitioner from personal appearance before the learned trial Court as the petitioner is a household lady living in District Panchkula and trial of the case is pending at District Ambala, therefore, attending trial on each and every date would cause great hardship and inconvenience not only to her but to her family and children.

The instant petition is dismissed as withdrawn with the liberty aforesaid.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, the personal appearance of the petitioner before the learned trial Court is ordered to be exempted, subject to the following conditions:-

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

(HARPREET SINGH BRAR)
JUDGE

19.04.2024
Neha

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