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**IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRM-M-39382-2017 (O&M)****Date of Decision: 30.07.2024****MOHINDRO DEVI AND OTHERS****...Petitioners****V/S****STATE OF PUNJAB AND ANOTHER****...Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR****Present:** Mr. K.S. Dadwal, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG Punjab.

Mr. Sarju Puri, 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 No. 46 dated 29.05.2017 registered under Sections 452, 323, 148 of Indian Penal Code and for added offence under Section 354-B of IPC at Police Station Kathgarh, District SBS Nagar (Annexure P-12) and all subsequent proceedings arising therefrom.

3. Learned State counsel at the very outset submits that prosecution has already examined all its witnesses and now the case is fixed for defence evidence on 23.08.2024.

4. Learned counsel for the petitioners submits that during the pendency of present petition, unfortunately, petitioner No. 1-Mohindro Devi has expired and further he 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, qua the remaining petitioners No. 2 to 5. However, learned counsel for the petitioners further submits that attending trial on each



and every date would cause great hardship and inconvenience to petitioners No. 2 to 5. Therefore, he prays for exemption from personal appearance of remaining petitioners from the trial Court.

4. In view of the above, present revision petition stands dismissed as withdrawn with liberty as aforesaid. Proceedings stands abated qua petitioner No. 1. 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 No. 2 to 5, before the learned trial Court is ordered to be exempted, subject to the following conditions:-

- (i) petitioners No. 2 to 5 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.

30.07.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No