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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39811-2015 (O & M)
Date of decision: 06.08.2024

KIRANDEEP KAUR AND ANOTHER

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. G.S. Ghuman, Advocate for
Mr. A.S. Sivia, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.35 dated 19.03.2015 registered under Sections 420, 406, 498-A, 120-B of IPC at Police Station Lambi, District Sri Muktsar Sahib and all the subsequent proceedings arising therefrom.
2. Learned counsel for the petitioners *inter alia* contends that marriage between the son of the petitioners and respondent No.2 had taken place in Australia on 19.10.2014. Further, respondent No.2 is permanent citizen of India. No cause of action has been raised in India except ring ceremony. The present FIR has been registered against the petitioners just to wreak vengeance as they are mother-in-law and father-in-law of respondent No.2. The divorce petition between husband and wife is pending before the competent Court of jurisdiction at Australia.

3. Learned counsel for the petitioners wishes to withdraw the present petition and seeks liberty to raise all the pleas taken in the present petition, at the appropriate stage, during the course of trial and confines his prayer to the extent that the petitioners are resident of District Ludhiana, whereas the trial of the case is progressing at District Shri Muktsar Sahib and in the last 03 years, only 01 witness has been examined and attending the trial on each and every date would cause great inconvenience and hardship to them.

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 The instant petition is dismissed as withdrawn with the liberty as prayed for.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

5. Pending application(s), if any, also stand(s) disposed of.

August 06, 2024
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(HARPREET SINGH BRAR)
JUDGE

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