

115 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21487-2024
Date of decision: 01.05.2024

Rajneesh @ Rajnish Sharma and anotherPetitioners

Versus

Amita Sharma ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vrishank Suri, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of complaint bearing No. COMI 143 of 2023 instituted on 27.09.2023 titled as 'Amita Sharma Vs. Bhagwat Swaroop and others' under Sections 34/376/376(2)(F)/511/166-A/217/218 of IPC (Annexure P-19) and also the summoning order dated 02.03.2024 (Annexure P-20) passed by the learned Judicial Magistrate 1st Class, Bhiwani.

Learned counsel for the petitioners submits that the present complaint has been filed against the petitioners with regard to the dispute of property. He further submits that five civil suits are pending between the parties and veracity of the allegations made by the complainant/respondent has been thoroughly investigating by the Investigating Agency which has recommended the cancellation report and the complaint as well as the summoning order is an abuse of the process of law. He further 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 petitioners from personal appearance before the learned trial Court as petitioner No.1 is the brother-in-law of the respondent and petitioner No.2 is 73 years of age, therefore, attending trial on each and every date would cause great hardship and inconvenience to them.

The instant petition is dismissed as withdrawn with the liberty aforesaid.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 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.

(HARPREET SINGH BRAR)
JUDGE

01.05.2024
Neha

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