



**114+220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-46142-2024 in/and
CRM-M-51924-2018
Date of decision: 21.11.2024**

VISHAL @ HEERA KAPOOR AND OTHERS

...PETITIONERS

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajesh Bansal, Advocate for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

None for respondent No.5.

HARPREET SINGH BRAR, J. (ORAL)

CRM-46142-2024

Present application has been filed for placing on record the compromise dated 19.01.2024 (Annexure P-20), orders dated 15.05.2024 and 23.07.2024 (Annexure P-21) and order dated 18.07.2024 (Annexure P-22) and for exemption from filing certified copies of the same.

For the reasons mentioned in the application, the same is allowed.

Compromise dated 19.01.2024 (Annexure P-20), orders dated 15.05.2024 and 23.07.2024 (Annexure P-21) and order dated 18.07.2024 (Annexure P-22) are taken on record subject to all just exceptions.

MAIN CASE

1. Present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.438 dated 23.07.2018 registered under Sections 323, 406, 498-A of IPC at Police Station Quilla, Panipat (Annexure P-1) and all the subsequent proceedings arising therefrom.

CRM-46142-2024 in/and
CRM-M-51924-2018

-2-

2. 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 complainant and her father are not coming forward to depose before learned trial Court and theirailable warrants have been issued and the trial of the FIR (supra) is proceeding at Panipat, whereas, the petitioners are residents of other districts. Therefore, attending the trial on each and every date would cause great inconvenience and hardship to them.

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 The instant petition is dismissed as withdrawn with the liberty as prayed for.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

November 21, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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