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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29315-2024 (O&M)
Date of decision: 03.07.2024

Sumitra

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.K. Garg Narwana, Sr. Advocate with
Mr. Vishal Garg Narwana, Advocate,
Mr. R.P.S. Jammu, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.10 dated 19.01.2024 under Sections 313, 323, 328, 376, 377, 406, 498-A, 506, 511, 34 of IPC (*challan was presented on 04.03.2024 under Sections 323, 34, 406, 498-A, 506 of IPC*), registered at Police Station Women Police Station Charkhi Dadri, District Charkhi Dadri and the subsequent proceedings initiated thereupon.

2. Learned senior counsel for the petitioner wishes to withdraw the present petition and seeks liberty to raise all the pleas taken in the present petition before learned trial Court at the appropriate stage. However, he



confines his prayer to the extent that the petitioner is 64 years of age, she is household lady and is resident of Rohtak and trial of FIR (*supra*) is pending in District Charkhi Dadri and attending trial on each and every date would cause great inconvenience and hardship to her and prays that personal appearance of the petitioner before learned trial Court may be exempted.

3. In view of the above, instant petition is dismissed as withdrawn with the liberty aforesaid.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***, personal appearance of the petitioner before 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.*

03.07.2024

vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No