

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-33427-2024
Date of decision: 17.07.2024

Versus

Roshni and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of complaint filed under Sections 498-A/406/323/354/506/120-B of IPC pending before the learned Chief Judicial Magistrate, Nuh, summoning order dated 27.02.2019 (Annexure P-2), whereby, the learned judicial Magistrate 1st Class, Nuh, has summoned the petitioners and warrant of arrest dated 22.04.2024 (Annexure P-3) which have been issued against the petitioners.

Learned counsel for the petitioners 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. However, he confines his prayer to the extent of seeking exemption of petitioners No.2 to 8 from personal appearance before the learned trial Court as petitioners No.2 to 8 are entangled in the matrimonial dispute between petitioner No.1 and respondent No.1 only on the ground that they are close relatives of petitioner No.1 and some of the petitioners are household ladies, therefore, attending trial on each and every

date would cause great hardship and inconvenience to them as well as affect their livelihood.

The instant petition is dismissed as withdrawn with the liberty aforesaid.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 petitioners No.2 to 8 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

17.07.2024
Neha

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