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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43273-2024 (O&M)
Date of decision: 06.09.2024

Rishu @ Rishu Sharma and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. K.S. Dadwal, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.13 dated
07.02.2022 under Sections 323, 354, 148, 149, 506 of the Indian Penal Code,
1860 (for short 'IPC') and Section 4 of Scheduled Caste and Scheduled Tribe
(Prevention of Atrocities) Act, 1989 (for short 'SC&ST Act'), registered at
Police Station Chabbewal, District Hoshiarpur (Annexure P-7) and the
subsequent proceedings initiated thereupon, including GDD No.27 dated

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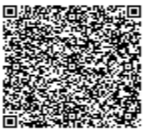
10.02.2022 under Sections 3(1)(r)(s) of SC&ST Act (Annexure P-9), final report under Section 173 of the Code of Criminal Procedure, 1973 dated 25.03.2023 (Annexure P-10) and the order dated 17.05.2024/07.06.2024 (Annexure P-11) framing charge under Sections 323, 354, 506, 34 of IPC and Section 3(1)(r)(s) of SC&ST Act.

2. Learned counsel for the petitioners wishes to withdraw the present petition with 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 dispute is between the complainant and her sister-in-law (*bhabhi*) and the petitioners are embroiled in the controversy being relatives and attending trial on each and every date would cause great inconvenience and hardship to them and prays that personal appearance of the petitioners 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 In view of the above, instant petition is dismissed as withdrawn with the liberty aforesaid.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 petitioners before the learned trial Court is ordered to be exempted, subject to the following conditions:-

- i) petitioners will be represented through their counsel;*
- ii) will not delay/stall the trial proceedings;*
- iii) will not dispute their identity as accused;*

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*iv) will have no objection if the prosecution evidence is recorded
in their absence but in the presence of their counsel;
v) will appear before the trial Court as and when required; and
vi) any other condition, which the trial Court may impose.*

06.09.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

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