



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

**CRM-M-51663-2023 (O&M)
Date of Decision: 23.10.2024**

DHEERAJ KUMAR AND OTHERS

...Petitioners

V/S

STATE OF UT CHANDIGARH AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Dinesh Kumar, Advocate with
Mr. Arvind Galav, Advocate
for the petitioners.

Mr. Sarvjit Singh, Addl. PP UT Chandigarh.

HARPREET SINGH BRAR J. (Oral)

1. Petitioners are seeking quashing of FIR No. 12 dated 12.02.2021 registered under Sections 498-A of Indian Penal Code at Police Station Women Cell, Sector 17, Chandigarh.

2. Learned counsel for the petitioners wishes to withdraw the present petition and seeks liberty to take all the pleas raised in the present petition at the appropriate stage during the course of trial as the Investigating Agency has already concluded the investigation and submitted final report under Section 173 of Cr.P.C. (Corresponding to Section 193 of Bhartiya Nagrik Suraksha Sanhita, 2023) before the jurisdictional Court. However, learned counsel for the petitioners confines his prayer to the effect that petitioners No. 2 to 4 have been falsely implicated in the FIR(supra) only for the reason that they are family members of petitioner No. 1 i.e. husband of respondent No. 2 and they are residents of East Champaran in the State of Bihar and trial of the case is



CRM-M-51663-2023 (O&M)

-2-

progressing at Chandigarh and attending the trial on each and every date would cause great hardship and inconvenience to them. Therefore, he prays for exemption from personal appearance of the petitioners No. 2 to 4 from the trial Court.

4. In view of the above, present petition stands dismissed as withdrawn with liberty as aforesaid.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 No. 2 to 4 before the learned trial Court is ordered to be exempted, subject to the following conditions:-

- (i) petitioners No. 2 to 4 shall be represented through their counsel;
- (ii) shall not delay/stall the proceedings;
- (iii) shall not dispute their identity;
- (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 Court as and when required; and
- (vi) any other condition, which the Court below may impose.

5. Pending CRM(s), if any, are also disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

23.10.2024
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No