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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50024-2024 (O&M)
Date of decision: 18.10.2024

Jaswinder Kaur and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gurinder Singh Dhot, Advocate
for the petitioners.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') [*now Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS')*] seeking quashing of FIR No.34 dated 24.03.2018 under Section 498-A of the Indian Penal Code, 1860, registered at Police Station Hargobindpur, District Gurdaspur and the final report under Section 173 of Cr.P.C. (*now Section 193 of BNSS*) as well as all the subsequent proceedings initiated thereupon.

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 petitioner No.1 is a household lady and petitioner No.2 is 100% disabled and they are senior citizens, as such, attending the trial on each and every date would cause unnecessary 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 In view of the above, instant petition is dismissed as withdrawn with the liberty aforesaid.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 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;*
- 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.*

18.10.2024

vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No