

CRM-M-58517-2022

2024.PHHC:106924



269

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

CRM-M-58517-2022

Date of decision: August 20, 2024

RABIA AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present:- Mr. S.K Singla, Advocate for the petitioners.

Mr. Rishabh Singla, AAG, Punjab for respondent no.1.

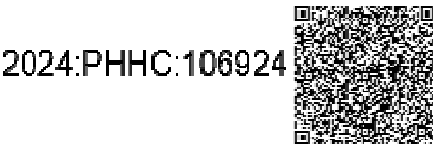
Mr. Anshul Gupta, Advocate for respondent no.2.

HARPREET SINGH BRAR, J.

Present petition has been filed by the petitioners seeking quashing of
FIR No.151 dated 24.12.2019 registered at Police Station City-II, Malerkotla,
District Sangrur under Section 498-A IPC.

At the very outset, learned State counsel on instructions from SI,
Chainsukh Singh submits that after filing of the present petition, investigating
agency has already concluded the investigation and filed the final report under
Section 173 Cr.P.C and the trial is progressing.

Learned counsel for the petitioners wishes to withdraw the present
petition with liberty to raise all the pleas taken in the present petition at the
appropriate stage during the course of trial. However, he confines his prayer to the



extent that petitioner no.1 is a senior citizen and mother-in-law and petitioner no.2 is the brother-in-law and they have been entangled in the matrimonial dispute only for the reason that they are family members of the husband of the complainant. 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 from the trial Court.

In view of the above, present petition stands dismissed as withdrawn with liberty as aforesaid.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 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 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.

August 20, 2024
ritu

(HARPREET SINGH BRAR)
JUDGE

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