

CRM-M-57244-2023
Date of decision: 12.11.2024

...PETITIONER

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

Present: Mr. Anil Kumar Spehia, Advocate
for the petitioner.

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

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.0021 dated 22.03.2023 for offence under Sections 406, 498-A of IPC at Police Station Sadar Phagwara, District Kapurthala, Punjab (Annexure P-1) and all the consequential proceedings arising therefrom.
2. Mr. Rahul Garg, Advocate has put in appearance on behalf of respondent No.2 and filed his *vakalatnama* which is taken on record. Registry is directed to tag the same at the appropriate place.
3. Learned counsel for the petitioner wishes to withdraw the present petition and seeks liberty to raise all the pleas taken in the present petition, at the appropriate stage, during the course of trial and confines his prayer to the extent that the petitioner is a senior citizen and a household lady and she has been unnecessarily derived in the controversy only for the reason that she is mother-in-law of respondent No.2 and attending the trial on each and every date would cause great inconvenience and hardship to her.

4. The instant petition is dismissed as withdrawn with the liberty as prayed for. 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 petitioner before the learned trial Court is ordered to be exempted, subject to the following conditions:-

- i) petitioner shall be represented through her counsel;
- ii) shall not delay/stall the trial proceedings;
- iii) shall not dispute her identity as accused;
- iv) shall have no objection if the prosecution evidence is recorded in her absence but in the presence of her counsel;
- v) shall appear before the trial Court as and when required; and
- vi) any other condition, which the trial Court may impose.

November 12, 2024
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |