



CRM-M-54324-2019 (O&M)

1

235 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54324-2019 (O&M)

Date of decision: 24.10.2024

MONIKA THUKRAL

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vipul Goel, Advocate
for the petitioner.Mr. Rishabh Singla, AAG Punjab and
Mr. Sandeep Kumar, DAG Punjab.

HARPREET SINGH BRAR J. (ORAL)

1. The present petition has been filed under Section 482 of Cr.P.C. seeking quashing of the impugned order dated 22.04.2016 (Annexure P-12) passed by learned Additional Chief Judicial Magistrate, Mohali dismissing the application dated 11.02.2016 filed by the petitioner seeking permission to record her statement through video conferencing as prosecution witness in case bearing FIR No. 57 dated 14.10.2010 registered under Sections 498-A, 420, 120-B of Indian Penal Code at Police Station, Phase-XI, SAS Nagar Mohali (Annexure P-4).

2. Learned counsel for the petitioner *inter alia* contends that marriage of petitioner was solemnized with one Vipan Sheel Pruthi on 19.01.2008 at Chandigarh and respondent No. 2 is father-in-law of the petitioner. It is further contended that petitioner was treated with cruelty by her husband and his parents on account of demand of dowry, therefore, a criminal case vide FIR No. 114 dated 29.03.2010 registered under Sections 323, 406 and 498-A of Indian Penal Code was registered at Police Station Phase-I,

**CRM-M-54324-2019 (O&M)****2**

Mohali. A compromise was effected between the parties and the aforementioned FIR No. 114 dated 29.03.2010 registered under Sections 323, 406 and 498-A of Indian Penal Code at Police Station Phase-I, Mohali, was quashed by a Co-ordinate Bench of this Court vide order dated 15.07.2010. Thereafter, husband of the petitioner left India and while leaving, he also took away the passports of the petitioner and her minor daughter and also took away the valuable articles. Thereafter, another criminal case was registered vide FIR No. 57 dated 14.10.2010 under Sections 498-A, 420, 120-B of Indian Penal Code at Police Station, Phase-XI, SAS Nagar Mohali (Annexure P-4). Since, husband of the petitioner fled away from the country, as such, he was declared as proclaimed offender. On 05.05.2012, the petitioner along with her daughter left India in order to nab her husband so that he may be punished in accordance with law and now she is Australian citizen since 26.01.2016. Vipin Sheel Pruthi is the biological father and natural guardian of the minor daughter of the petitioner and his consent is required for issuance of Australian passport but he has refused to give consent so that the petitioner may not visit India to depose against him and his parents in FIR No. 57, which was fixed for prosecution evidence. Therefore, petitioner filed an application dated 11.02.2016 before learned trial Court for granting her permission to examine herself as prosecution witness through video conferencing but respondent No.2 objected to recording of her evidence through video conferencing and learned trial Court without examining the peculiar facts and circumstances of the case, dismissed the said application of the petitioner vide impugned order dated 22.04.2016 (Annexure P-12).

3. The petitioner is residing in Australia since the year 2012 and

CRM-M-54324-2019 (O&M)

3

when she is required to be examined before the learned trial Court as one of the prosecution witness, she is not in a position to come to India for getting her statement recorded.

4. In view of the above, the present petition is disposed of with the following directions:-

- (a) In case, the petitioner moves an appropriate application for joining the trial through Video Conferencing/Hybrid mode on her behalf, who is residing in Australia, the same shall be considered and decided by trial Court in accordance with High Court Rules framed in this regard as well as the judgment rendered by this Court in *Sukhmanjit Singh Dhindsa vs. State of Punjab and others 2024(1) R.C.R.(Criminal) 636*.

5. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

October 24, 2024

Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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