

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

CRM-M-56761-2024
Date of decision: 19.02.2025

Versus

Ravinder Kumar ...Respondent

Present: Mr. Kunal Dawar, Advocate
for the petitioners.

The present petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking quashing of criminal complaint NACT
No.4810/2021 dated 23.11.2021 under Section 138 and 142 of the Negotiable
Instruments Act, 1881 titled as 'Ravinder Kumar Vs. Smt. Kusum Sharma and
another' pending in the Court of learned Judicial Magistrate 1st Class,
Faridabad, Haryana (Annexure P-8) along with all subsequent proceedings
arising therefrom.

Learned counsel for the petitioners wishes to withdraw the present petition with liberty to invoke alternative appropriate remedy on the same cause of action in accordance with law for redressal of grievances raised in the present petition. However, he confines his prayer to the extent of seeking exemption of petitioner No.1 from personal appearance before the learned trial Court as petitioner No.1 is a household lady and attending trial on each and every date would cause great hardship and inconvenience to her as well as affect her livelihood.



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The instant petition is dismissed as withdrawn with the liberty aforesaid.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, the personal appearance of petitioner No.1 before the learned trial Court is ordered to be exempted, subject to the following conditions:-

- i) petitioner No.1 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.

(HARPREET SINGH BRAR)
JUDGE

19.02.2025
Neha

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