



CRM-M-342-2025(O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.118

CRM-M-342-2025(O&M)
Date of decision : 10.01.2025

Harjeet Kaur

..... Petitioner

VERSUS

Manpreet Singh

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Manit Malhotra, Advocate and
Mr. Pankaj Bains, Advocate, for the petitioner.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing the impugned order dated 07.11.2024 passed in CRM-26/2021 by learned Additional District and Sessions Judge, Faridabad, whereby the application filed by the petitioner under Section 340 Cr.P.C. has been dismissed in default for non appearance of the petitioner in FIR No.276 dated 31.08.2020, Police Station Saran, District Faridabad.

2. Learned counsel for the petitioner submits that petitioner and respondent are wife and husband, respectively and there is a matrimonial dispute between the parties. The petitioner had filed an application under Section 340 Cr.P.C. against the respondent before Additional District and Sessions Judge, Faridabad and date which was pronounced for hearing the applicant was 14.11.2024 and when the petitioner and her counsel reached the Court on 14.11.2024 they came to know that the application has been



dismissed on 07.11.2024 due to non appearance on behalf of the petitioner. He further submits that non appearance was a mere misunderstanding with regard to the date of hearing and the absence was not intentional and prayer for one effective opportunity to appear before the learned Trial Court to pursue the application.

3. Heard.
4. In view of the submissions made by learned counsel for the petitioner, this Court is of the considered opinion that one opportunity may be granted to the petitioner to raise his contention before the learned Trial Court for the proper adjudication of the application. Accordingly, the petition is allowed. Order dated 07.11.2024 passed by the learned Trial Court is hereby set aside **subject to payment of Rs.10,000/- to be deposited in Poor Patient Welfare Fund, PGIMER, Chandigarh** within a period of two weeks and the trial Court is hereby directed to grant one effective opportunity to pursue the application and shall decide the same in accordance with law.
5. Pending application(s), if any, shall also be disposed of accordingly.

(KIRTI SINGH)
JUDGE

10.01.2025
Kapil

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