

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous (Petition) No. 2751/2018

1. Pramod Sharma S/o Shri Satya Narayan B/c Brahmin, R/o Plot No.42, Moti Nagar B, Katewa, New Sanganer Road, Sodala, Jaipur, Raj.
2. Mahaveer Prasad S/o Shri Satya Narayan B/c Brahmin, R/o Plot No.42, Moti Nagar B, Katewa, New Sanganer Road, Sodala, Jaipur, Raj.
3. Sarjevan Devi W/o Shri Satya Narayan, R/o Plot No.42, Moti Nagar B, Katewa, New Sanganer Road, Sodala, Jaipur, Raj.

----Petitioners

Versus

1. State Of Rajasthan Through Pp.
2. Smt. Pratiksha Sharma W/o Shri Pramod Kumar Sharma, D/o Shri Jagdish Sharma, R/o Ward No.17, Nainwa, District Bundi, Raj.

----Respondents

For Petitioner(s)	:	Mr. Nalin G Narain
For Respondent(s)	:	Ms Meenakshi Pareek PP

HON'BLE MR. JUSTICE KANWALJIT SINGH AHLUWALIA

Order

18/05/2018

After hearing the learned counsel for the petitioners, the present petition qua petitioner no.1 Pramod Sharma husband and petitioner no.3 Sarjevan Devi mother-in-law is dismissed.

The learned counsel for the petitioners has relied upon **Preeti Gupta vs. State of Jharkhand, 2010 AIR 3363** to contend that the petitioner no.2 Mahaveer Prasad being elder brother of the husband has been unnecessarily involved in matrimonial dispute.

Issue notice to the respondents qua petitioner no.2 for 10.8.2018.

Meanwhile, further proceedings arising out of impugned FIR shall remain stayed qua petitioner no.2 elder brother of the husband of the complainant.

Considering the age and relationship of the petitioner no.3, her personal appearance before the trial court is exempted subject to following conditions:-

- a) That the petitioner no.3 shall file an undertaking before the trial court that she shall appear before the trial court at the time of framing of charge, recording of statement of the accused under Section 313 Cr.P.C. and at the time of delivery of the judgment.
- b) That in the undertaking filed the petitioner no.3 shall specifically state that any evidence recorded in her absence, but in presence of her counsel, shall be binding upon him.
- c) That the accused petitioner shall also undertake to appear before the trial court as and when called by the trial Judge.

(KANWALJIT SINGH AHLUWALIA),J

Mak/-

