

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-34589 of 2015 (O&M)
Date of Decision: October 08, 2015

Sushant Khanna

...Petitioner

VERSUS

Jatinder Pal Singh Bhasin and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Rahul Mehta, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of judgment dated 28.01.2015 passed by learned Addl. Sessions Judge, Gurgaon vide which the order dated 18.11.2013 passed by learned Judicial Magistrate Ist Class, Gurgaon, dismissing the complaint filed by the respondent Jatinder Pal Singh Bhasin, was set aside.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that Jatinder Pal Singh Bhasin filed a complaint against Sushant Khanna under Section 497 IPC alleging adultery committed by accused with wife of the complainant. As per the allegations, the complainant saw messages in the mobile phone of his wife. There is also allegation that complainant found both of them

in a hotel room etc.

Learned JMIC, Gurgaon, dismissed the complaint and had not summoned the accused. Then a revision was filed against the order passed by learned JMIC, Gurgaon. Learned Addl. Sessions Judge, Gurgaon, vide impugned order dated 28.01.2015 held that at the time of summoning of an accused, the Court is to see only sufficient grounds and further held that plethora of evidence is available on the record as regards the accused having developed extra marital affair with the wife of the complainant and despite the fact that the accused stayed with the wife of the complainant in hotel for a night and was caught in unusual dress, in a compromising position, still insisted for a proof of actual sexual intercourse having committed by the accused with wife of the complainant. Keeping in view these findings, learned Addl. Sessions Judge, Gurgaon set aside the order dated 18.11.2013 passed by learned JMIC, Gurgaon and remanded back the matter for further enquiry into the complaint.

From the perusal of impugned order dated 28.01.2015 passed by learned Addl. Sessions Judge, Gurgaon, I find that no illegality has been committed by the Court. Furthermore, in the revision petition, the order dated 18.11.2013 dismissing the complaint, has been set aside. Therefore, the quashing petition under Section 482 Cr.P.C. is also not maintainable. As the present petitioner has alternative remedy to file revision against order dated 28.01.2015 before this Court as that will be his first revision.

In view of the above discussion, I find that the impugned

order dated 28.01.2015 passed by learned Addl. Sessions Judge, Gurgaon, is correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

October 08, 2015
Vgulati

(INDERJIT SINGH)
JUDGE