

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

Sr. No.274

CRM No.M-5913 of 2016

Date of decision : March 28, 2016

Poonam

...Petitioner...

versus

Dr. Sukhnandan Jain

...Respondent...

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

Present : Ms. Deepa Jain, Advocate,
for the petitioner.

JASPAL SINGH, J.

This petition has been preferred under Section 482 of the Code of Criminal Procedure seeking setting aside order dated May 28, 2012 (Annexure P-1) passed by the learned Judicial Magistrate, 1st Class, Kurukshetra, whereby the complaint No.287 of 2009, under Sections 337, 338, 506, 34 of IPC titled as "Poonam Versus Dr. Sukhnandan Jain was dismissed as well as the judgment dated November 17, 2015 (Annexure P-2) vide which, the revision preferred by the petitioner against the dismissal of the complaint was also dismissed.

Though the complaint preferred by the petitioner, criminal action is being sought to be initiated against the Medical Officer from whom, the complainant has been getting treatment of the disease

being suffered by him. It has been alleged by the complainant that due to the treatment of ulcer in her abdomen, given by the respondent-doctor, her condition was deteriorated which constrained her to lodge the complaint. Undoubtedly, no opinion from the committee of doctors, specialized in the field relating to which the medical negligence has been attributed, has not been obtained by the complainant who is petitioner in this case, which is otherwise a pre-condition in view of the parameters laid down by the Hon'ble Apex Court '**Martin F.D'Souza vs. Mohd. Ishfaq 2009(2) CLT 381 (SC)**'. This Court has also scrutinized the impugned order(s) passed by the Court(s) below but does not find any illegality or infirmity, so as to warrant any interference by this Court.

Accordingly, instant petition stands dismissed.

March 28, 2016

Ankur

**(JASPAL SINGH)
JUDGE**