

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

(224)

CRM-M-513-2013
Date of Decision:-15.12.2023

Bharat Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Ms. Sweta Beniwal, Advocate for
Mr. Aman Pal, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

ALOK JAIN, J. (Oral)

1. Prayer in the present petition is for quashing of the order dated 29.01.2010 passed by Judicial Magistrate 1st Class, Kaithal (Annexure P-1) and the order dated 03.09.2012 passed by learned Sessions Judge, Kaithal (Annexure P-2), whereby, the respondents were discharged from the offence committed by them under Sections 304-A, 465, 466, 471, 474 and 506 of Indian Penal Code, 1860.

2. The present petition was filed on 24.12.2012 and after 4 years of pendency, the matter was adjourned *sine die* on 24.04.2016. Subsequently, the matter was listed again and one last opportunity was granted to the petitioners to address arguments. The matter has been continuously adjourned for the last 10 years and today again a request for an adjournment has been made.

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3. I have gone through the paper book and what borne out is that the petitioner had filed a complaint alleging commission of offence under Section 304-A, 465, 466, 471, 474 and 506 of Indian Penal Code by alleging that the stillborn birth of his child was due to the negligent medical treatment of the respondent-doctors while they were treating the wife of the petitioner when she was delivering the child.

4. The learned trial Court as well as the Revisional Court have discussed the entire matter at length, whereby, the wife of the petitioner suffered Cardio Respiratory Arrest at the time of delivery which lead to the situation where the doctors took a decision to save the life of the mother rather than taking care of an unborn child.

5. Although, the incident which occurred is tragic, however, the same cannot be brought under the purview of criminal negligence, hence, the complaint was dismissed by the trial Court and the Revisional Court also took a similar view.

6. In light of the above, I do not find any infirmity or illegality in the order passed by the trial Court and the present petition stands dismissed.

(ALOK JAIN)
JUDGE

December 15 2023

Parul

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No