

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE
(FTC)-02, SOUTH DISTRICT, SAKET COURTS**

PRESIDED OVER BY : MS. SHUNALI GUPTA

Cr. Rev no. 601/2025

**Gaurav Sahni
S/o Lt. Sh. Gulshan Sahni
R/o Khutar Road, Near UCO Bank,
Golta Gokarnath, Uttar Pradesh -262802 Revisionist**

Versus

**Sonia Sahni
W/o Mr. Gaurav Sahni
R/o H.No. E-52, 2nd floor,
Saket, New Delhi-110017 Respondent**

DATE OF INSTITUTION	:	13.12.2025
DATE OF RESERVING ORDER	:	11.04.2026
DATE OF ORDER	:	13.04.2026
FINAL ORDER	:	Dismissed

O R D E R

1. Vide this order, I shall dispose of the present revision petition filed U/s Cr.P.C/438 BNSS, 2023 praying for quashing and setting aside of the order dated 15.11.2025 passed by Ld. JFMC-02 (Mahila Court), South Saket whereby proceedings u/s 82 Cr.P.C. have been initiated against the revisionist in chargesheet filed u/s 498A/406/506/354/34 IPC emanating from case FIR No.

182/2021, PS Saket.

2. The revision petition has been filed seeking quashing of the PO proceedings initiated against the revisionist vide the impugned order on the following grounds:

(i) The revisionist is under mental distress and is not been able to attend the court physically. His father has expired on 11.03.2025 and had executed a will thereby bequeathing his entire property to his wife to the exclusion of other legal heirs including revisionist and therefore the entire properties including the agricultural land and income there from is falling in the hands of his mother and revisionist has got no money.

(ii) The revisionist has been directed to pay interim maintenance @ Rs. 1 lakh per month to the respondent/wife vide the order of Ld. ASJ dated 21.12.2023 and till date he has paid Rs. 29 lakhs approximately as arrears of maintenance.

(iii) The mother of the revisionist is ready to settle the dispute by selling her property but the respondent has rejected the settlement offer.

(iv) The revisionist has been appearing before the Ld. Trial

Court through VC and it is only on 29.03.2025 and 08.04.2025 that the revisionist could not appear due to death of his father.

(v) The Ld. Trial Court did not appreciate that the revisionist is under hand to mouth situation and under deep mental and financial stress.

3. Arguments addressed by Sh. Ashish Negi, Ld. Counsel for the revisionist and Sh. Mohammad Azhar, Ld. Counsel for respondent have been heard. TCR perused.

4. Ld. Counsel for the respondent has vehemently opposed the revision petition. Ld. Counsel has submitted that the present revision petition is yet another attempt to derail the process of law and to frustrate the efforts of the Ld. Trial Court in proceeding further with the State case. Ld. Counsel has submitted that the revisionist is habitual in not appearing before the court so that the proceedings cannot move on. He has submitted that even as on date there are huge arrears of maintenance more than Rs. 1 crore due against the revisionist in several execution petitions pending against him but he is neither clearing the same nor appearing in the execution petitions. Even in the present case the revisionist has deliberately and in total disregard to the directions of the Ld. Trial Court failed to appear consecutively and even changed his residential address so that warrants of arrest cannot be

executed against him. As regards the settlement offer given by the revisionist, the respondent has submitted that the offer is grossly inadequate and therefore is not acceptable to her. Thus, it has been prayed that the present revision petition is having no contents may kindly be dismissed.

5. A perusal of the Trial Court record reveals that the chargesheet was filed in the court on 05.02.2024. Bail bonds were furnished and the matter was posted for arguments on charge. On 05.03.2025 revisionist Gaurav Sahni failed to appear before the Ld. Trial Court and his counsel sought an exemption from the court which was allowed. Thereafter, on the NDOH, the court was on leave and on the subsequent date i.e. 08.04.2025 again the revisionist was absent and his exemption was allowed by the court. On 20.05.2025 revisionist appeared through VC, on 24.09.2025 and 15.11.2025 the revisionist failed to appear and therefore the Ld. Trial Court initially issued warrants of arrest against him and then vide order 15.11.2025 initiated PO proceedings against him.

6. Coming to the grounds of revision, the first and foremost ground that the revisionist has no money to pay as his father has excluded him from his will cannot by any stretch of imagination can be seen as a ground for not appearing in the Court in criminal proceedings u/s 406/498A

IPC. In the criminal proceedings, the revisionist was not required to pay any amount but rather to face the trial, therefore, even if assuming that he had no money to pay to the respondent then also his absence from the court in these criminal proceedings cannot be justified. It goes without saying that every person arrayed as an accused in a criminal proceeding has to appear before the court on each and every date of hearing unless and until exempted by the court and any non-appearance without any justifiable cause invites coercive steps against him to secure his appearance.

7. Coming to the other ground of revision that his father expired on 11.03.2025 and therefore he could not appear before the court. On this aspect, I may note that after the death of father of the revisionist, the Ld. Trial Court has been considerate enough in granting exemption to the revisionist on the next two dates of hearing i.e. on 08.04.2025 and 20.05.2025. The warrants of arrest were issued by the Ld. Trial Court thereafter i.e. for his non appearance on 24.09.2025 and then PO proceedings initiated against him on 15.11.2025. Thus to allege that the Ld. Trial Court did not grant him exemption or did not consider his situation due to demise of his father is not at all borne from record. Rather record speaks that revisionist failed to appear before the court even prior to the death of his father i.e. on 05.03.2025 which reflects that the revisionist has scant regard for the process of law. Even in the present revision petition apart from vague

grounds nothing substantive has been stated for non appearance before the Ld. Trial Court on 24.09.2025 & 15.11.2025. It may be noted that criminal trial is not an ongoing process. It has to be completed within a reasonable span of time and every accused has to necessarily appear before the court to attend the hearing of the matter. Because of non appearance of the revisionist Gaurav Sahni before the Ld. Trial Court, despite filing of the chargesheet on 05.02.2024 till date even charge could not be framed. Since the revisionist was not appearing before the court repeatedly and consecutively, the Ld. Trial Court had no option but to take coercive steps against him. Thus, I do not find any fault in the approach of the Ld. Trial Court as there seems to be no reason at all why the coercive steps should not have been taken against the revisionist. Thus, I do not find any infirmity in the impugned order dated 15.11.2025.

8. The revision petition accordingly stands dismissed.

9. Copy of this order alongwith TCR be sent to the Ld. Trial Court. The revision file be consigned to record room after necessary compliance.

**ANNOUNCED IN THE OPEN
COURT ON 13.04.2026**

**(SHUNALI GUPTA)
ASJ (FTC) -02
SOUTH DISTRICT
SAKET COURTS**