

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**

**OWP No. 1208/2018  
c/w  
CRMC No. 377/2018**

**S. Balbir Singh**

.....Petitioner(s)

Through: Ms. Mandeep Reen, Advocate in OWP No.  
1208/2018  
Mr. Sunil Sethi, Sr. Advocate with  
Mr. Vaibhav Gupta, Advocate in  
CRMC No. 377/2018

**Vs**

**State of J&K & Ors.**

..... Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG for R. No. 1 in OWP  
No. 1208/2018 and for respondent in CRMC  
No. 377/2018.  
Mr. Raman Sharma, AAG for R. Nos. 2 and 3  
and Mr. Sunil Sethi, Sr. Advocate with  
Mr. Vaibhav Gupta, Advocate for R. Nos. 4 and 5  
in OWP No. 1208/2018.  
Mrs. Deepika Mahajan, Advocate for respondent  
No. 6 in OWP No. 1208/2018.

**CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE  
ORDER  
(02.06.2025)**

**OWP No. 1208/2018**

- 01.** The petitioner herein is the first informant-cum-complainant of **FIR No. 0037 of 2018** registered by the Police Station, City, Jammu alleging criminal medical negligence against the respondents No. 4 and 5 in the matter of medical handling of his ailing wife taken for surgery but suffering death.

- 02.** In this writ petition, the reliefs sought were for a writ direction unto the writ respondents No. 1 to 3 and 6 for taking to logical end the criminal proceedings initiated against the respondent No. 4-Dr. Satish Mehta and respondent No. 5-Dr. Rajesh Majajan and further to cancel the registration of clinic of respondent No. 4 and lastly seizing and reviewing the right to practice of said two respondents No. 4 and 5.

**CRMC No. 377/2018**

- 03.** This petition, invoking inherent powers under Section 561-A of the Jammu and Kashmir Code of Criminal Procedure, Svt. 1989, came to be preferred on **22.06.2018** by seven petitioners, four of them being doctors and rest being para medical staff of M/s Satish Mehta Clinic and Research Centre, Pvt. Ltd. 10, Shalamar Road, Opposite SMGS Hospital, Jammu seeking quashment of **FIR No. 0037 of 2018** registered by the Police Station, City, Jammu at the instance of S. Balbir Singh, the petitioner in **OWP No. 1208/2018**.
- 04.** In terms of an order dated **27.06.2018** passed in **CRMC No. 377/2018**, this Court had directed the investigation to stay in effect but chargesheet not to be filed.

**05.** During the long pendency of the present two matters, which came to be connected in terms of an order dated **27.06.2018** passed in **OWP No. 1208/2018**, the Police Station, City, Jammu is said to have come forward with a closure report with respect to **FIR No. 0037 of 2018**, and therefore, the next legal course of action is to take place under the Jammu and Kashmir Code of Criminal Procedure, Svt. 1989 leaving it a matter for the Magistrate concerned before whom the closure report is to be filed or has been filed to accord consideration and deal with the same in accordance with law, as such, both the petitions are closed as having been rendered infructuous by efflux of time, particularly **OWP No. 1208/2018** in which the reliefs solicited by the petitioner can take place only in case of the culpability being found out in a criminal case which incidentally as on date has come out to be otherwise which is closure of the **FIR No. 0037 of 2018**.

**(RAHUL BHARTI)**  
**JUDGE**

**JAMMU**  
**02.06.2025**  
Naresh/Secy