

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.12117 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.273 of 2015 of Kurnool II Town Police Station, Kurnool District registered for the offences under Sections 314 and 304 I.P.C., and Section 23 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (for short, 'the Act').

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the *de facto* complainant in Crime No.273 of 2015.

4. As per the allegations made in the complaint, on 29.09.2015, the petitioner examined one Janaki and directed her to undergo scanning in order to identify the sex of the foetus. After completion of the medical formalities, the petitioner disclosed to the husband of Janaki that she is carrying female child. It is further alleged that the in-laws of Janaki forced her to undergo operation for termination of pregnancy. The gist of the allegations is that the petitioner has violated the provisions of the Act.

5. While exercising the inherent power under Section 482 Cr.P.C., the Court has to take into consideration the allegations made in the complaint only. The Court is not justified in embarking upon an enquiry as to probability, reliability or genuineness of the allegations made in the complaint at the initial stage of investigation. The material placed before the Court is *prima facie* sufficient to investigate into the matter in order to ascertain the truthfulness or otherwise of the allegations made in the complaint.

6. Having regard to the facts and circumstances of the case and also the principles enunciated by the Supreme Court in **R.P.Kapoor v. State of Punjab** and **State of Haryana v. Bhajanlal**, I am of the considered view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

7. The learned counsel for the petitioner submitted that the concerned Station House

Officer may be directed not to arrest the petitioner till completion of the investigation.

8. The petitioner has been working as a Government Doctor in Government General Hospital, Kurnool.

9. In view of the nature of the employment of the petitioner, the Station House Officer, Kurnool II Town Police Station, Kurnool District, is hereby directed not to arrest the petitioner till completion of investigation in Crime No.273 of 2015 so far as the petitioner/accused is concerned.

10. With the above direction, the Criminal Petition is dismissed.

11. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 20.11.2015

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