

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

C.R.M-M No.33526-2015

Date of Decision : 29.10.2015

Dr.O.P.Goel

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. A.K.Gupta, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing the impugned order dated 22.09.2015 (Annexure P-4) passed by the ASJ Bhiwani and complaint No.505 of 2015 titled “State of Haryana Vs. Dr. O.P.Goel, Goel Nursing & Maternity Home” registered under Section 4 (3) Rule 3 (1) sub Rule 10 (1A), 9 (1,4) P.C. and PNDDT Act at Police Station Tosham and all the consequential proceedings arising therefrom on the basis of the compromise arrived at between the parties.

Reply of Dr.Meena Barwar, Family Welfare Officer-cum-Nodal Officer, PNDDT, Bhiwani has been filed and the same is taken on record.

Copy supplied to the counsel opposite.

At the very outset learned counsel for the petitioner has very fairly stated that he would not press this petition for quashing of complaint on merits and would only press the attack on order Annexure P-4. As regards order Annexure P-4, it is the contention of learned counsel of the petitioner which has been accepted by learned Assistant Advocate General on instructions from Dr.Meena Barwar, Family Welfare Officer-cum-Nodal Officer, PNDT Bhiwani that about 600 Forms of Form (F) were scrutinized. Out of them in 15 Forms some shortcomings were noticed. He has further argued that there was not a single case where it was suspected that sex determination was done and as a consequence thereof any female foeticide took place. As per learned counsel for the petitioner for these technical infractions he would face the trial and suffer whatever punishment may be imposed upon him but the sealing of the machine is not only detrimental to the interest of the petitioner but also to the interest of the general public because now even in a genuine emergency a patient would have to travel to Bhiwani to get an ultrasound conducted.

In this view of the matter, I do not deem it appropriate to deny the limited relief being sought by the petitioner. Consequently order Annexure P-4 is set aside.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

October 29, 2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**