

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-230 of 2014

.....

Date of decision:25.4.2016

Jugal Kishor and another

.....Petitioners

v.

State of Haryana and another

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Kunal Dawar, Advocate for the petitioners.

Mr. Himmat Singh, Deputy Advocate General, Haryana for
the respondent-State.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.312 dated 22.8.2013 (Annexure-P.1) registered for the offences under Sections 420 and 336 IPC and Section 15(2)(3) of Medical Council Act, 1956 at Police Station Kotwali, Faridabad along with all subsequent proceedings emanating therefrom.

Notice of motion was issued in this case.

Mr. D.R. Singla, learned Deputy Advocate General, Haryana has put in appearance on behalf of respondent-State and contested this petition.

[2]

I have heard learned counsel for the petitioners and learned State counsel and have gone through the record.

First of all in the present case charges have already been framed. It is argued that four witnesses have already been examined. Learned counsel for the petitioner argued that it is now held that a person with degree of Electro-Homeopathy can practice, but he admitted that he cannot practice in Allopathy. In the reply filed on behalf of respondents No.1 and 2 by Dr. Ram Bhagat, Deputy Civil Surgeon, Faridabad, it has been stated that during the visit, the petitioners and their co-accused Mani Ram Baghel, Zamil Ahmed were found in illegal practice in Allopathy.

Learned counsel for the petitioners disputed this fact and stated that they were not practicing in Allopathy. This is a finding of fact which is to be given by the trial Court on the basis of evidence. At this stage, as the trial Court is already proceeding with the case and has taken the cognizance and after framing of charges even as stated that four witnesses have already been examined, therefore, at this stage, in no way, it can be held that no offence is made out nor it can be held that the filing of complaint is abuse of process of law or amounts to miscarriage of justice.

Therefore, finding no merit in the present petition, the same is dismissed.

April 25, 2016.

(Inderjit Singh)
Judge

hsp