

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

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**Criminal Misc. No. M-26780 of 2015 (O&M)
Date of decision: 10th March, 2016**

Gurjant Singh

....Petitioner

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. K.B. Raheja, Advocate for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

None for respondents No.2 & 3.

Mr. Rajat Malhotra, Advocate
for Indian Medical Association, Punjab.

DAYA CHAUDHARY, J.(Oral)

CrI. Misc. No.25771 of 2015

Allowed as prayed for.

CrI. Misc. No. M-26780 of 2015

The present petition has been filed under Section 482
Cr.P.C. by petitioner, namely, Gurjant Singh for quashing of FIR
No.74 dated 11.04.2015 registered under Sections 354, 354-A of the

Indian Penal Code at Police Station City Ferozepur, District Ferozepur (Annexure P-1) and other proceedings arising therefrom on the basis of compromise arrived at between the parties (Annexures P-2 and P-3) .

Notice of motion was issued on 13.08.2015.

Learned counsel for respondent-State, on instructions from ASI Jaswinder Singh, submits that cancellation report was filed before the trial Court only on the basis of compromise arrived at between the parties but the same was not accepted as the offence is non-compoundable and the same was returned. Learned State counsel also submits that now the matter is being re-investigated as cancellation report has been returned.

Mr. Rajat Malhotra, Advocate has put in appearance on behalf of Indian Medical Association, Punjab on 19.10.2015 and prayed for permission to intervene in the matter because such like incidents are occurring in so many hospitals.

Initially, the compromise was arrived at between the petitioner and the owner of the hospital i.e. respondent No.2 but there was no compromise on behalf of nurse-respondent No.3 who is complainant in this case. Subsequently, she was also impleaded as party-respondent because of compromise effected with the owner of the hospital and she was having no other option except to accept the command of the owner of the hospital.

Keeping in view the submissions made by learned counsel for respondent-State, let the matter be re-investigated further. As far as grouse of Indian Medical Association, Punjab is concerned, is at liberty to raise the issue before the appropriate authority.

Disposed of accordingly.

March 10, 2016
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(DAYA CHAUDHARY)
JUDGE