

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

CRM-M-44249-2015

Date of decision: 22.11.2016

Deepak Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

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

Mr. J.S. Riar, AAG, Punjab.

Ritu Bahri, J.

Petitioner is seeking direction to the respondents to conclude the investigation in FIR No.28 dated 07.03.2015, under Section 315 IPC, registered at Police Station, Sadar, Dhuri, District Sangrur.

Dhavni Singla-respondent No.4 was married to the petitioner and thereafter, she became pregnant. It is alleged that she has caused the death of unborn baby before birth. In this background, the FIR was registered.

Upon notice, reply on behalf of respondent Nos.1 to 3, by way of affidavit of Deputy Superintendent of Police, Sub Division, Dhuri, has been filed, wherein it has been stated that after registration of the FIR, enquiry was conducted through Station House Officer, Police Station, Sadar, Dhuri and he submitted his report dated 14.02.2015. As per enquiry report, statements of Deepak Kumar-complainant, Dhavni Singla (wife of complainant), Nandini Garg @ Rimu and lady doctor Shivani Jindal were recorded. Thereafter, on 22.09.2014, medical check up of Dhavni Singla was got conducted from Patiala, where her pregnancy was found positive.

On 09.10.2014, she called her husband Deepak Kumar from Barnala and told about pain in her abdomen. On 17.10.2014, she along with her husband went to the clinic of Lady Doctor Shivani Jindal at Dhuri to take medicine. The said doctor told the petitioner that his wife was taking tablets for abortion for the last about 15 days, due to which, bleeding was started. Dhavni Singla was advised to get ultrasound done. On 18.10.2014, when ultrasound of abdomen of Dhavni Singla was conducted, it was found that foetus had been aborted on account of consuming medicine (tablets). In this background, the present FIR was got registered.

Earlier, an FIR No.90 dated 19.04.2014, under Sections 366/120-B IPC was got registered by parents of Dhavni Singla against Deepak Kumar at Police Station, City, Barnala. Later on, the matter was compromised and a cancellation report was submitted before the Court, which was not accepted.

In the present FIR, after a detailed enquiry, cancellation report has been prepared, which is yet to be submitted before the Court.

Keeping in view that cancellation report has already been prepared in this case, no further orders are required to be passed in this petition. However, the respondents are directed to submit the cancellation report before the Court within a period of four weeks from the date of receipt of certified copy of this order. The petitioner is at liberty to avail his appropriate/alternative remedy in accordance with law.

Disposed of accordingly.

(RITU BAHRI)
JUDGE

22.11.2016
ajp