

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

**CRM-M-6481 of 2015(O&M)
Date of decision : 12.07.2016**

Dr.Geeta Baweja

.... Petitioner

v.

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. P.S.Ahluwalia, Advocate for the petitioner.

Mr.Ashish Sanghi, DAG, Punjab.

Mr.Binderjit Singh, Advocate for respondent No.2.

- 1. Whether Reporters of Local Newspapers 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)

Prayer in this petition is for quashing of FIR No.227, dated 13.12.2014 registered under Sections 23 and 25 of the Pre-Conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, and all consequential proceedings arising therefrom.

Learned counsel for the petitioner has argued that in terms of Section 28 of the aforesaid Act, the cognizance can be taken only on the basis of the complaint and investigation by the police would not be permissible.

On 28.07.2015, the following order was passed :-

*“ Separate replies on behalf of both the respondent filed.
Copies thereof given to learned Counsel for the petitioner.*

Learned Counsel for the State is directed to file a further affidavit of a gazetted police officer to inform the Court as to whether any other offence except the one under Sections 23 and 25 of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 has been found so far during investigation or not, though the investigation is pending for the last more than seven months.

Adjourned to 17.11.2015.”

Today Learned DAG states that no other case is pending against the present petitioner. Moreover he has accepted the legal position that the complainant was only authorized to file a complaint and the FIR could not be lodged.

In these circumstances, this petition is allowed, and FIR No.227, dated 13.12.2014 registered under Sections 23 and 25 of the Pre-Conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, and all consequential proceedings arising therefrom are quashed qua the petitioner. It is made clear that this petition has been allowed on a technical ground and would have no effect on the merits of the case filed by the complainant-respondent No.2 against the present petitioner.

Since the main case has been decided, the Civil Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

July 12, 2016
sunita