

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26026-2016 (O&M)

Date of decision: July 04, 2017.

Dr. Shashi Dhingra

... **Petitioner**

v.

State of Haryana

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Abhishek Grover, Advocate for the petitioner.

Shri Chetan Sharma, Assistant Advocate General, Haryana.

A.B. Chaudhari, J. (Oral):

Heard learned counsel for the rival parties for some time.

It is true that the petitioner who is a qualified doctor wants the decision of the prosecution against her and that is why she has approached this Court for quashment of FIR No.0233 dated 4.6.2016, under Sections 3, 4, 5 of Medical Termination of Pregnancy Act, 1971, registered at Police Station City Kaithal.

After hearing learned counsel for the rival parties, I think it would prejudice both the parties if any observations on the merits of the case are made since as yet the charge has not been framed. There is a right in the petitioner to oppose the framing of charge and the trial court is under an obligation to hear the petitioner as well as the prosecution before framing of charge. Thus, the said remedy being available in favour of the petitioner, I dispose of this petition reserving liberty in favour of the petitioner to oppose the framing of charge before the trial court.

All the points raised in the petition are kept open.

The trial court is directed to decide the issue of framing of charge expeditiously since the petitioner claims to be a reputed doctor.

July 04, 2017.
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[**A.B. Chaudhari**]
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No