

242 **IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M No. 2516 of 2017
Date of Decision: August 01, 2017**

Raj Kumar

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Shiv Charan Bhola, Advocate,
 for the petitioner.

Mr. Vikas Malik, D.A.G., Haryana.

SUDIP AHLUWALIA, J. (ORAL)

The petitioner seeks quashing of the proceedings arising out of F.I.R. No. 211, dated August 20, 2016, for the offences under Sections 18 (c) and 27 of the Drugs and Cosmetics Act, 1940, read with Sections 15 (2) (B)/ 15 (3) of the Indian Medical Council Act and Sections 420 of the I.P.C.

[2]. The substance of contention raised is that the Police had no power under the statute to register the F.I.R. for which the designated authority under the Drugs and Cosmetics Act, 1940, alone was competent to initiate the proceedings.

[3]. It is submitted by learned counsel appearing for the State that the matter is already fixed for consideration of charge in the Ld. Trial Court, on August 11, 2017.

[4]. In view of the matter, this petition is disposed off with liberty to the petitioner to raise his aforesaid contention and other related contentions to be preceded by a formal application for discharge under the provisions of the Code of Criminal Procedure on merits, at the time of consideration of charge by the Ld. Trial Court, which shall thereafter pass a reasoned order, after hearing both sides.

August 01, 2017
Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No