

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

CRL. MISC. No.M-5139 OF 2017 (O&M)
DATE OF DECISION : 22nd SEPTEMBER, 2017

Dr. Manish Kumar

.... Petitioner

Versus

State of Haryana & others

.... Respondents

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

* * * *

Present : Mr. Jangvir S. Hooda, Advocate for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana.

Mr. Jamshed Ahmed, Advocate for the complainant.

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A. B. CHAUDHARI, J. (ORAL)

Rule.

Heard learned counsel for the rival parties.

Following is the prayer in the present petition:

“That instant petition may kindly be allowed and FIR
No.401 dated 27.06.2015 registered u/s 193, 194,
195A, 196, 197, 198, 211, 120-B, 216, 466, 325,
326, 201 IPC r/w S.13(1) D of P.C. Act at Police
Station: City Palwal, Distt. Palwal (annexure P/1)
and all proceedings arising therefrom including order
of charge dated 02.06.2016 (annexure p/2-colly) may
kindly be quashed.”

It is not in dispute that the only evidence available against
the petitioner as contended by learned State counsel upon going through

record of the investigation, is that the disclosure statement of co-accused Shyambir and Sher Singh that they had paid ₹40,000/- to the petitioner for making a concocted medico legal report in respect of the alleged injuries when there was no injuries caused at all to the alleged victim.

In addition learned counsel for the complainant submits that there is one more piece of evidence namely disclosure statement of the petitioner himself that out of the amount he had accepted he paid ₹23,000/- to Dr. Manisha and the amount of ₹10,000/- was recovered from the petitioner.

Learned State counsel further states that there is no other evidence, except the recovery, against the petitioner. Learned State counsel also placed before me MLC report dated 21.03.2015, which is the only report in respect of which the FIR was lodged and the examination of the victim was of the same day.

It is in the above background the learned counsel for the petitioner has prayed for quashment of the FIR in question.

Learned counsel for the petitioner submits that the transfer order dated 09.03.2015 mentioned in relieving order (Annexure P- 3) was not filed before this Court and only relieving order was filed. He then invited my attention to order Annexure P-4 i.e. transfer order dated 02.07.2015 and pointed out that serial No.3 was transferred. However, at the time of checking of the order, it was seen that the relieving order has no co-relation with transfer order dated 02.07.2015.

Learned state counsel has now placed on record order dated 09.03.2015 vide which the petitioner was transferred. The same is taken on record.

The petitioner ought to have been careful in filing the transfer order dated 09.03.2015. However, that may not be a ground for denial of desired relief to the petitioner.

In that view of the matter, cost of ₹10,000/- is imposed upon the petitioner, payable to the State of Haryana, within six weeks.

In the result following order is passed:

ORDER

- (i) Rule is made absolute in terms of the prayer reproduced as above.
- (ii) The petitioner shall deposit cost amount of ₹10,000/- with the trial Court within six weeks, which shall be forfeited to the State of Haryana.

22nd SEPTEMBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned: *Yes* *No*

Whether Reportable: *Yes* *No*