

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-11354-2016 (O&M)
Date of Decision:-13.09.2018.

Anil

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. D.S. Bishnoi, Advocate for the petitioner.

Mr. R.K. Doon, AAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

In the instant petition, petitioner has sought for quashing of the FIR No.396 dated 09.09.2015 under Sections 3, 4, 5 of the Medical Termination of Pregnancy Act, 1971, registered at Police Station City Narnaul, District Mahendergarh (Annexure P-1).

2.) Learned counsel for the petitioner submitted that petitioner is running medical agency called "M/s Mamta Medical Agency, Singhana Road Narnaul". Allegation against the petitioner is that he was selling MPT Kits illegally in the absence of valid prescription from the competent doctor. The respondent-State have invoked Sections 3, 4 and 5 of the Medical Termination of Pregnancy Act, 1971 to the extent that the petitioner has violated the aforesaid provisions. Perusal of the aforesaid statutory provision, namely, Section 3 - When pregnancies may be terminated by registered medical practitioners, Section 4 - Place where pregnancy may be

terminated and Section 5 - Sections 3 and 4 when not to apply. Learned counsel for the State-respondent has not disputed the allegations read with the statutory provision which are cited supra. The aforesaid statutory provisions are not at all attracted even though petitioner is involved in selling of MPT kits without valid prescription of competent doctor. On this score itself, FIR is to be set aside.

3.) Accordingly, petition stands allowed. FIR No.396 dated 09.09.2015 under Sections 3, 4, 5 of the Medical Termination of Pregnancy Act, 1971, registered at Police Station City Narnaul, District Mahendergarh (Annexure P-1) is quashed.

(P.B. BAJANTHRI)
JUDGE

September 13, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.