

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

CRM-M-24943-2016 (O&M)

Date of Decision : 16.5.2019

Dr. Jayanti Sharma

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Chanderhas Yadav, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.46 dated 9.2.2016, under Sections 3, 4, 5 of Medical Termination of Pregnancy Act, 1971 registered at Police Station Kaithal City, District Kaithal and all other consequential proceedings arising therefrom.

As per the allegations in the FIR, the instruments used for termination of pregnancy were recovered from Sharma Medical Centre owned by the petitioner.

Learned counsel for the petitioner states that a false case has been registered against the petitioner and even if the allegations levelled against the petitioner are taken to be true, no offence under Sections 3, 4, 5 of Medical Termination of Pregnancy Act, 1971 is made out against the

petitioner. He has further stated that the facts of the present case are covered by the judgment of this Court passed in CRM-M-15860-20147 (O&M) titled as Dr. Vandana Malik vs. State of Haryana.

Learned AAG has stated that during the raid the instruments used for termination of the pregnancy were recovered from hospital and the hospital is not appropved for conducting the medical termianion of pregnancy but has accepted that the facts of the present case are covered by the judgment of Dr. Vandana Malik (supra).

Consequently, this petition is allowed and the above said FIR and all consequential proceedings arising therefrom are quashed qua the petitioner.

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

16.5.2019

anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No