

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

**CRM-M No. 34316 of 2017
Date of Decision:-15.5.2019**

Dr. Upender Dublesh and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Ms. Isha Goyal, Advocate
for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioners have filed this petition under Section 482 Cr.P.C.
for quashing of :-

- a) Complaint bearing No.RBT-885 dated 03.4.2002 titled as “State through District Appropriate Authority, Faridabad vs. Dr. Upender Kumar and others” (Annexure P-2) and all the consequential proceedings arising therefrom;
- b) Order dated 25.2.2004 (Annexure P-3) passed by the learned Judicial Magistrate 1st Class, Faridabad, summoning the petitioners ;
- c) Order dated 05.12.2012 passed by the Judicial Magistrate 1st Class, Faridabad, whereby the petitioners were charge-sheeted for the commission of offences

under Sections 4(i)(ii)(iii), 5(i)(ii) read with Rule 10, Section 29 read with Rules 9 and 10 as well as Section 6 (a)(b) of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 punishable under Section 23 of the PNDT Act (Annexure P-6);

- d) Judgment of conviction dated 18.2.2014 passed by learned CJM, Faridabad, whereby, the petitioners stand convicted for commission of offences under Sections 4 (1), 4(2), 4(3), 5(1) and 5(2), 6(a) and 6(b) and Section 29 read with Rule 9 and 10 of PNDT Rules punishable under Section 23 of the Act (Annexure P-7).

During the course of arguments, learned counsel for the petitioners has conceded that appeal against the judgment of conviction dated 18.2.2014 is pending before the Appellate Court. Since the impugned complaint, summoning order and the order framing the charges have merged into the judgment of conviction dated 18.2.2014 and the correctness and the validity of the same is pending before the Appellate Court, it will not be appropriate for this Court to invoke inherent powers under Section 482 Cr.P.C.

Resultantly, the petition is dismissed.

May 15, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No