

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

CWP-(PIL)-7804-2015 (O&M)

Date of decision:- 08.05.2019

Kulvinder Singh Sawhney

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE

HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Rakesh Bhatia, Advocate,
for the petitioner.

Mr. Shireesh Gupta, Senior Deputy Advocate General, Punjab,
for the respondents.

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ARUN PALLI, J. (ORAL)

The petitioner, who purports to have approached this Court in public interest, prays for a mandamus commanding the respondents to initiate appropriate legal/disciplinary/departmental action against the erring government as also the private medical practitioners who indulge in illegal activity of preparing and/or issuing false Medico Legal Report (MLR)/Medical Certificates/medical opinion and also a direction to the respondent-authorities to act upon the representation dated 18.12.2014 submitted by the petitioner.

2. Pursuant to the notice issued by this Court, the respondents have filed their response.

3. The averments set out in paragraphs 5 and 12 of the written statement filed by the respondents read thus:

"5. That in reply to the contents of para No. 5 of the petition, it is respectfully submitted that the said FIRs mentioned in columns No. 1, 2, 3, 6 and 7 have been cancelled on the ground that the occurrence had not taken place but the MLRs were not found to be fake. Similarly, the injuries shown in MLR mentioned in column No. 4 the MLR was

not found to be falsely prepared by the doctor, as per information collected from concerned police stations. It is further submitted that about MLR mentioned in column No. 5, the Ld. Court has nowhere held that the MLR is false. In fact, the court has held that the injuries are simple in nature and as such the accused were summoned u/s 323, 324 IPC.

12. That the contents of para No. 12 of the petition do not relate to the answering respondents. However, no FIR has been cancelled due to fake MLR and the said FIRs have been cancelled because the alleged occurrence had not taken place.”

4. Ex-facie, the petition at hand has substantially served the purpose for which it was filed. Thus, learned counsel for the parties submit that let it be disposed of, at this stage, as having been rendered infructuous, but in the event any cause of action still survives or arises in future, the petitioner shall be free to represent to the respondents in this regard. And the authorities would take due cognizance of any such complaint/representation and deal therewith in accordance with law and pass appropriate orders after affording an opportunity of hearing to the petitioner.
5. In the wake of the above, nothing substantial survives in the petition and the same is accordingly disposed of in the above terms.

(KRISHNA MURARI)

CHIEF JUSTICE

(ARUN PALLI)

JUDGE

08.05.2019

Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No