

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-15544-2018

Date of Decision: 17.02.2020

Dr. Parbhpreet Kaur

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Amit Arora, Advocate Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Ms. Sonia Pama, Advocate for
Mr. PS Kanwar, Advocate for respondent No. 2.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing FIR No. 74 dated 14.03.2018 (Annexure P-1) registered under Sections 304-A read with Section 34 IPC at Police Station City Tarn Taran, District Tarn Taran and all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Learned counsel for the petitioner contends that there is no report of any Medical Board, declaring alleged medical negligence of the petitioner. Thus, as on date, petitioner is not liable to be tried under Section 304-A IPC. That apart, petitioner has compromised the matter

with respondent No. 2.

Agreeing with the submissions of learned counsel for the petitioner, learned counsel for respondent No. 2 submits that she has no objection, in case, FIR (Annexure P-1) and all subsequent proceedings arising therefrom, qua the petitioner is quashed.

Since, there is no report holding medical negligence of petitioner and considering the law laid down by the Apex Court in **Jacob Mathew Vs. State of Punjab and another, 2005(3) RCR (Criminal) 836**, this Court is of the considered opinion that petitioner is not liable to be tried under Section 304-A IPC.

In view of the above, this petition is allowed and aforesaid FIR No. 74 dated 14.03.2018 (Annexure P-1) and all subsequent proceedings arising therefrom, qua the petitioner is quashed, subject to deposit of costs of ₹50,000/-, out of which ₹25,000/- with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh and ₹25,000/- with the "Welfare Centre for Persons with Speech and Hearing Impairment, Chandan Nagar, Sector 15, Phase-2, Behind ITI, Gurugram, Bank Account No. 000434003000357, the Gurgaon Central Co-operative Bank Ltd. or Bank Account No.1245010000518, United Bank of India, within two weeks from today, failing which this petition shall be deemed to be dismissed. Petitioner can also opt to deposit the aforesaid amount of ₹25,000/- with the PGIMER online through its website "www.pgimer.edu.in".

List on 02.03.2020, for production of original receipts regarding deposit of costs.

To be shown in the urgent list.

February 17, 2020
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No