

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-17376-2015

Date of decision: 15.01.2020

Dr. Anju Gulati and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Vivek Salathia, Advocate for the petitioners.

Mr. NK Banka, DAG, Punjab.

Mr. Vineet Sharma, Advocate for respondent No. 2.

RAMENDRA JAIN, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C., seeking quashing Criminal Complaint No. 22 dated 12.09.2014 (Annexure P-1) under Sections 304-A and 336 read with Section 34 IPC and summoning order dated 26.02.2015 (Annexure P-2) rendered by Sub Divisional Judicial Magistrate, Ajnala and all consequential proceedings arising therefrom.

Heard.

Considering the law laid down by the Apex Court in **Jacob Mathew Vs. State of Punjab and another, 2005(3) RCR (Criminal) 836** and a co-ordinate Bench of this Court in **CRM-M-31874-2013, Dr. Kamaljeet Singh Vs. Prem Pal**, decided on 30.05.2019, Criminal Complaint No. 22 dated 12.09.2014 (Annexure P-1) and impugned summoning order dated 26.02.2015 (Annexure P-2) are quashed, with a

direction to concerned Judicial Magistrate, to refer the complaint to Medical Board, constituted by Chief Medical Officer/Civil Surgeon, concerned consisting of doctors having expertise in the filed of treatment given to the wife of complainant-respondent No. 2 and proceed further afresh, in accordance with law, after receipt of report from the Medical Board.

The instant petition stands disposed of, accordingly.

January 15, 2020
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(RAMENDRA JAIN)
JUDGE

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