

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

CRM-M-48306-2019 (O&M)
Date of Decision : 17.02.2020

Dr. Gurwinder Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Balbir Singh Jaswal, Advocate for the petitioner.

Mr. Pawan Sharda, Senior DAG, Punjab.

RAMENDRA JAIN, J. (Oral)

In compliance of order dated 07.02.2020, learned counsel for the petitioner has produced receipts of ₹20,000/-. The same are taken on record.

Prayer in the instant petition under Section 482 Cr.P.C. has been made for quashing FIR No.43 dated 06.02.2019, registered under Sections 304-A IPC, at Police Station Beas, District Amritsar. (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2) arrived at between the parties.

According to prosecution, wife of complainant, infant in her womb, was killed by the petitioner while conducting operation for her delivery.

Pursuant to order dated 14.11.2019 of this Court, the parties appeared before the trial Court on 05.12.2019 to get their statements recorded.

Learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib, has submitted his report vide letter bearing No.4632 dated 07.12.2019, duly forwarded by learned District and Sessions Judge,

Muktsar, vide Endst. No.11322R dated 10.12.2019.

According to the above report, compromise entered into between the parties with their free will and is without any coercion.

Learned counsel, referring the judgment of Hon'ble Supreme Court in **Jacob Mathew vs. State of Punjab and another 2005 (3) RCR (Criminal) 836** contends that there is no Medical Board's opinion, declaring the medical negligence of petitioner. Thus, in the absence of any such opinion, petitioner has falsely been implicated under Section 304-A IPC. Even otherwise, this court in its inherent powers conferred under Section 482 Cr.P.C. is well competent to quash even an offence under Section 304-A IPC.

Undisputedly, there is no expert opinion of the medical board that petitioner ever committed any negligence, while performing operation and was responsible for the death of wife of complainant. Thus agreeing with the submissions of learned counsel for the petitioner and considering the fact that compromise will bring peace and harmony between the parties, FIR No.43 dated 06.02.2019, registered under Section 304-A IPC, at Police Station Beas, District Amritsar. (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed.

Disposed of accordingly.

Registry shall verify the deposit of costs by the petitioners with the quarters.

17.02.2020
mamta

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No