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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 67/2020**

DR. SANJANA JAIN

..... Petitioner

Through: Mr. Sandeep Kapoor, Advocate with
petitioner in person.

versus

STATE & ANR.

..... Respondents

Through: Ms. Richa Kapoor, ASC with
Ms. Shivani Sharma, Advocate with
SI Pawan Kumar, PS S.P. Badli.
Mr. Atul Aggarwal, Advocate for R-2
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% **10.01.2020**

Cr. M.A. No. 420/2020 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 67/2020

1. Issue notice. Learned ASC for the State accepts notice. Counsel for respondent No.2 appears and accepts notice.
2. This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.57/2019, under Sections 304A IPC, registered at Police Station- Samaipur Badli, Outer North District, Delhi, and all proceedings emanating therefrom.
3. The brief facts of the case are that respondent no. 2 has made a complaint before the local police under Section 304A against the petitioner

who was a doctor at that time in City Hospital, Samaipur Badli. Thereafter, the local police referred him to Delhi Medical Council and Delhi Medical Council vide order dated 04.01.2019 observed as follows:-

“In light of the observations made herein-above, the Disciplinary Committee recommends that name of Dr. Sanjana Jain (Delhi Medical Council Registration No.11960) be removed from the State Medical Register of the Delhi Medical Council for a period of 90 days with a direction that she should undergo twelve hours of Continuing Medical Education (C.M.E.) on the subject “Labour Management” and submit a compliance report to this effect to the Delhi Medical Council. A copy of this Order be also sent to the Directorate General of Health Services, Govt. of NCT of Delhi for necessary action in light of the observation made hereinabove about functioning of City Hospital without appointment of Resident Medical Officer’s.

Matter stands disposed.

Sd/:
(Dr. Subdh Kumar)
Chairman,
Disciplinary Committee

Sd/:
(Dr. Ashwani Goyal)
Delhi Medical Association
Member,
Disciplinary Committee

Sd/:
(Shri Rajesh Gupta)
M.L.A. Member
Disciplinary Committee

Sd:/
(Dr. Vijay Zutshi)
Exper Member,
Disciplinary Committee

The Order of the Disciplinary Committee dated 29th October, 2018 was confirmed by the Delhi Medical Council in its meeting held on 26th December, 2018.

The Council also confirmed the punishment of removal of name awarded to Dr. Sanjana Jain (Delhi Medical Council Registration

No. 11960) by the Disciplinary Committee with a direction that she should undergo twelve hours of Continuing Medical Education (C.M.E.) on the subject “Labour Management” within a period of three months and submit a compliance report to this effect to the Delhi Medical Council.

The Council further observed that the Order directing the removal of name from the State Medical Register of Delhi Medical Council shall come into effect after 30 days from the date of the Order.

This observation is to be incorporated in the final Order to be issued. The Order of the Disciplinary Committee stands modified to this extent and the modified Order is confirmed.

*By the Order & in the name
of Delhi Medical Council*

*Sd/-
(Dr. Girish Tyagi)
Secretary”*

4. Thereafter, aggrieved by this order, the petitioner preferred an appeal before the Medical Council of India and the Medical Council of India vide order dated 24.12.2019 exonerated the petitioner and had observed as follows:-

“Therefore, the Ethics Committee of MCI feels that there was no fault in labour care by Dr. Sanjana Jain & no negligence is found, therefore, she may be exonerated from all charges made against her.....”

5. Counsel for the petitioner submits that the parties have settled the matter amicably and has handed over a pay order in the sum of Rs.4,50,000/- bearing no. 002604 dated 03.01.2020 drawn on HDFC Bank.

6. Respondent no.2 is present in Court and identified by the IO. The respondent No.2 submits that he has settled his disputes with the petitioner. He further submits that he has no objection if the FIR in question is quashed.
7. Learned ASC for the State submits that in view of the settlement between the parties, the State has no objection if the FIR in question be quashed.
8. Keeping in view the above facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose will be served by keeping the case pending. It will be nothing but abuse of the process of law.
9. Accordingly, FIR No.57/2019, under Sections 304A IPC, registered at Police Station-Samaipur Badli, Outer North District, Delhi, and the proceedings emanating therefrom shall stand quashed.
10. The present petition stands disposed of accordingly. *Dasti.*

RAJNISH BHATNAGAR, J

JANUARY 10, 2020/AK.