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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.12.2021

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl. O.P. No. 10341 of 2017

and

Crl.M.P.Nos. 6798 and 6799 of 2017

Dr.Kopperundevi

.... Petitioner/Accused

Versus

The Appropriate Authority
For Sub-District under Pre-Conception &
Prenatal Diagnostic Techniques (Regulation and
Prevention of Misuse Act (Central Act) No.57 of 1994
The Chief Medical Officer
Government Hospital
Vridhachalam
Cuddalore District

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to quash the complaint in C.C.No.23 of 2017 on the file of the Judicial Magistrate -I, Virudhachalam.

For Petitioner ... Mr.G.Surya Narayanan

For Respondent ... Mr.S.Vinoth Kumar
Government Advocate (Crl.side)

O R D E R

This Criminal Original Petition has been filed to quash the private complaint in C.C.No.23 of 2017 pending on the file of the Judicial Magistrate -I, Virudhachalam for the offences under Section 29(1) of Pre-conception and Pre-Natal Techniques (Prohibition of Sex selection) Act, 1994 (hereinafter shall be referred to as "PCPNDT Act") and Rule 13 of Pre-conception and Pre-Natal Techniques (Prohibition of Sex selection) Rules, which is punishable under Section 23(1) of PCPNDT Act.

2. Heard the learned counsel for petitioner and the learned Government Advocate (Crl.side) appearing on behalf of the respondent.



3. The main contention of the learned counsel for the petitioner is that the complaint itself is not maintainable since the petitioner has already informed the purchase of the new machine vide Form 99 on 09.09.2016 itself.

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4. At the outset I am not agreeing with the learned counsel for petitioner for the simple reason that it is for the petitioner to establish that she has informed the purchase of the new machine and intimation, in this regard, has been received by the other side. The contention of learned counsel for petitioner that the purchase of machine has already been informed, cannot be taken as gospel truth, in the absence of any proof. A person asserting certain facts has to prove the same by way of adducing evidence.

5. In such view of the matter, I am not inclined to quash the proceedings. At this stage, learned counsel for the petitioner seeks indulgence of this Court to dispense with the personal appearance of the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed. However, personal appearance of the petitioner is dispensed with except for receiving copies and answering the charges u/s.313 Cr.P.C questioning and any other hearing that may be fixed by the trial Court. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gpa

To

1. The Judicial Magistrate -I,
Virudhachalam
2. The Appropriate Authority
For Sub-District under Pre-Conception &
Prenatal Diagnostic Techniques (Regulation and
Prevention of Misuse Act (Central Act) No.57 of 1994
The Chief Medical Officer
Government Hospital
Virudhachalam
Cuddalore District.



3. The Chief Judicial Magistrate,
Cuddalore.

4. The Public Prosecutor,
High Court, Madras.

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+1cc to Mr.G.Surya Narayanan, Advocate, S.R.No.62833

CrI. O.P. No. 10341 of 2017
and
CrI.M.P.Nos. 6798 and 6799 of 2017

SPD[col]
NSK 13/12/2021