

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

**CRM-M-8584-2020**

**Date of decision:09.09.2021**

Amandeep Kaur

...Petitioner

Versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Ripudaman Singh Sidhu, Advocate for the petitioner.

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**HARNARESH SINGH GILL, J. (ORAL)**

Case is taken up for hearing through video conferencing.

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.117 dated 02.09.2018 (Annexure P-1) registered under Sections 419, 420 and 120-B IPC and Section 15 of the Medical Council Act, 1958, at Police Station Sadar Balachaur, District SBS Nagar, along with all the consequential proceedings arising therefrom.

Learned counsel for the petitioner submits that from the very allegations contained in the FIR, the ingredients of Section 420 IPC are not satisfied and hence, no offence under said Section is made out. Similar is the position with regard to Section 15 of the Medical Council Act, 1958. On the said assertions, it is vehemently contended that the FIR is nothing, but an abuse of process of law.

However, I do not find any merit in the said contentions of the learned counsel for the petitioner, especially when exercise of the power under Section 482 Cr.P.C. to quash the FIR is an exception and not a rule.

Moreover, appreciation of evidence is not permissible at the stage of quashing of the proceedings under Section 482 Cr.P.C. Hon'ble Supreme Court in the case of Kaptan Singh Vs. State of Uttar Pradesh and others, decided on 13.08.2021, has laid down the parameters that when there are serious triable allegations, it would be improper to quash the FIR in exercise of the inherent powers and that such issues can only be considered at the time of trial.

In the present case, FIR had been registered on the complaint submitted by complainant-respondent No.2, after an enquiry conducted by the Superintendent of Police (Sadar), SBS Nagar. Therefore, it cannot be said that the FIR is an abuse of process of law. Still further, the allegations against the petitioner that she had been performing the duty as a Doctor without having a professional degree of a Doctor, are very serious.

No ground for quashing the FIR and the consequential proceedings arising therefrom, is made out.

Dismissed.

**(HARNARESH SINGH GILL)**  
**JUDGE**

**09.09.2021**

Ishwar

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No