

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-28975-2019(O&M)

Date of Decision:-23.08.2022

Nachhatar Singh & Ors.

.....Petitioners.

Versus

State of Haryana & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Gurvinder Singh Sidhu, Advocate for Petitioners.

Mr. Saurabh Girdhar, AAG Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the petition under Section 482 Cr.PC is for quashing of Complaint No.32-1 dated 02.03.2015 (Annexure P-1) titled as Dr. Surender Kumar Nain Vs. Jitender Kumar & Ors. Under Sections 3, 3(2), 3(3), 3A, Rule 3B, 4(4) (5), 5, 6, 22, 22(1), (2), 23(3) and 20 of PC and PNDT i.e. Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Determination) Act, 1994 and 2H of Medical Council Act, and under Section 417, 420, 468, 120-B IPC arising out from an FIR No.352 dated 31.12.2014 at P.S. Sadar Dabwali (Annexure P-2) in view of the judgment passed by this Court titled as Dr. Ritu Prabhakar & Anr. Vs. State of Haryana & Anr. (Annexure P-6) .

The Grievance of the petitioners is that the complaint could have been instituted by a three member District Appropriate Authority and

in the present case it has been instituted only by a Civil Surgeon-cum-District Appropriate Authority. He contends that in the judgment of **Dr. Ritu Prabhakar's case (supra)** it has been clearly set out that appropriate authority to initiate prosecution for the district should be three officials i.e. Chairman and two other members as is borne out from Section 28 of the PNDT Act. He also submits that the case is now posted for hearing and is at the pre-charge stage.

In view of the above, present petition is disposed of with the liberty to the petitioners to raise the grounds which they have raised in this petition before the trial Court at the appropriate stage and the Trial court shall pass a detailed order in this regard considering the law laid down in **Dr. Ritu Prabhakar's case (supra)**.

(JASJIT SINGH BEDI)
JUDGE

August 23, 2022
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No