

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

126

CRM-M-41074 of 2022

Date of Decision: 08.09.2022

Ashok Kumar

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Ajay Kumar Kansal, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

NAMIT KUMAR, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.26 dated 01.02.2021 under Section 420 IPC and Sections 15 and 25 of Indian Medical Council Act, 1956, (Section 468 IPC added later on), registered at Police Station Badhra, District Charkhi Dadri, Haryana (Annexure P-1) and final report/challan dated 06.07.2021 (Annexure P-9).

Learned counsel for the petitioner submits that the ingredients of Section 420 and 468 IPC are not made out and further, the cognizance of the offence under Sections 15 and 25 of Indian Medical Council Act, 1956 can only be taken only on a complaint filed by him under Section 190(1)(a) read with Section 200 of Code of Criminal Procedure and not on police report.

To support his contention, learned counsel for the petitioner relies upon a Division Bench judgment of this Court in the case of

'Barinder Singh, President, Ludhiana Medical Welfare Association Vs.

State of Punjab and others', 2009(5) RCR (Criminal) 565 and followed in the case of 'Ashok Kumar Vs. State of Punjab and others', 2011(2) RCR (Criminal) 449.

The above said points as has been raised in the present petition can very well be considered by the trial Court at the time of framing of charges.

After arguing for sometime, learned counsel for the petitioner prays for withdrawal of the petition with liberty to raise all the pleas taken in the present petition before the trial Court.

Dismissed as withdrawn with the liberty aforesaid.

Learned counsel for the petitioner also requests for exemption from personal appearance of the petitioner before the trial Court, who is a doctor and has been falsely implicated.

Needless to mention here that if any such application is filed by the petitioner before the trial Court, the same shall be considered sympathetically by the trial Court, in accordance with law.

08.09.2022

D.Bansal

**(NAMIT KUMAR)
JUDGE**

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