

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

113

CRM-M 613-2023

Date of Decision: 19.01.2023

Jagga Singh and Anr.

.....*Petitioners**Versus*

State of Haryana and Anr.

.....*Respondents***CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.**

Present: Mr. Dhruv Gupta, Advocate for the petitioners.

**GURBIR SINGH, J (ORAL)**

Present petition has been filed by the petitioners under Section 482 Cr. P.C. for quashing of FIR No.294 dated 11.05.2022, under Section 4 of the Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act, 1994 and 420/120-B IPC, registered Police Station Ambala Cantt. District Ambala, Calandra dated 10.07.2022 and the Charge Sheet dated 15.09.2022, along with all other consequential proceedings arising out of the said FIR qua the petitioners.

Learned counsel for the petitioner contends that FIR **(Annexure P-1)** registered at the instance of complainant-Dr.Balwinder Kaur. Challan was presented. Thereafter, complaint was filed in the Court on same facts. The learned trial Court had already taken the cognizance on the complaint and passed the summoning order 10.11.2022 (Annexure P-4).

Notice of motion.

Mr. Karan Sharma, DAG, Haryana, accepts notice on behalf of respondent-State.

Learned State counsel has placed on the file copy of order dated 09.12.2022 passed by learned ACJM, Ambala, which is as under:-

'COMA-47/2022 District Appropriate Authority Vs.  
Ramesh Kumar etc.

Present:Sh. Surjit Singh, DDA assisted by Sh. Lalit  
Chowdhry, Advocate.

Notice issued to accused No.1 and 3 received back with the report that they are confined in Central Jail, whereas notice issued to accused no.2 not received back in either form and notice issued to respondent no.4 received back unserved.

An application for clubbing the FIR with the present case has been filed on behalf of complainant.

Now production warrants against accused Ramesh Kumar son and Rakesh Kumar in the name of Superintendent, Central Jail, Ambala be issued for 21.12.2022 with the directions to produce the accused before the court on the date fixed. Fresh notice to accused No.2 and 4 be also issued for the date fixed.

Dated: 09.12.2022  
Gulshan Kumar

(Ishwar Dutt)  
ACJM, Ambala,

UID:HR0538'

He has also placed on file order dated 24.11.2022 which is as under:-

'CHA-997-2022 State Vs. Ramesh Kumar & Ors.

Present:Sh.Satish Yadav, APP for the State.

Accused Jagga Singh on bail with Sh. Tarun Kalra, Advocate.

Accused Rakesh Kumara Keji in custody, represented by Sh.Ajay Rawalay, Advocate.

Accused Ramesh Kumara Banti in custody, represented by Sh Anmol Verma, Advocate.

Accused Ramesh Kumar @ Banti and Rakesh Kumar (@Keji produced in custody before the court through VC.

An application for closing the present case FIR No.294/2022 Police Station Ambala Cantt, being non maintainable in the provisions of the PNDT Act as only complaint case is maintainable under Section 28 of PC and PNDT Act, 1994 filed. Copy supplied. On the request of learned APP, case is adjourned to 07.12.2022 for filing reply to the abovesaid application. Till then, accused Ramesh Kumar @ Banti and Rakesh Kumar (a Keji be kept in judicial custody be produced before the court through VC on the date fixed.

Dated: 24.11.2022  
Kuldeep

(Ishwar Dutt)  
ACJM, Ambala,

UID:HR0538'

When there is police case and case registered on complaint then provision of Section 210 of Code of Criminal Procedure are attracted.

The learned trial Court is already cease off the matter that there

is police case and complaint case on same facts pending before it so no order is required to be passed at this stage

Disposed of.

19.01.2023

*jyoti3*

**(GURBIR SINGH)**  
**JUDGE**

**Whether speaking/reasoned: Yes/No**  
**Whether Reportable: Yes/No**