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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36809-2023 (O&M)

Date of decision: July 31, 2023

Rajinder Kaur @ Harjinder Kaur

....Petitioner

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Gursimran Singh Bhatia, Advocate for petitioner.

Mr. Dhruv Dayal, Additional AG Punjab.

ARUN MONGA, J. (ORAL)

The instant petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking quashing of FIR No.0066 dated 08.04.2023, under Section 304 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station, Ajnala, District Amritsar and all subsequent proceedings thereto.

2. Succinct facts first, as pleaded in the instant petition.

2.1. Petitioner is a qualified Nurse having done diploma for 3 years in General Nursing and Midwifery from Council of Paramedical, Punjab, Mohali affiliated with the Open International University for Complementary Medicine. She has also completed one year diploma in Medical Operation Theatre Technology from Paramedical Council of India duly recognized from Medical Council of India.

2.2. Petitioner has a long experience since 2008 onwards as OT Assistant in various hospitals and has also served as Staff Nurse with Adlakha Medical Centre from June, 2013 to May, 2015.

3. Per FIR, complainant alleged that her elder sister Soni (deceased) died due to wrong treatment given by Rajinder Kaur @ Harjinder Kaur (petitioner) and due to non-cooperation of her brother-in-law, namely Garib Singh(husband of deceased), who refused to supply the copy of Aadhar card because of which the treatment of deceased was effected.

4. Learned counsel for petitioner contends that petitioner has been falsely implicated in this case. Petitioner is a qualified nurse having served in various reputed Hospitals. He contends that there is no evidence regarding complicity of the petitioner *qua* commission of alleged offence.
5. On advance service of the petition, learned State counsel appears and on instructions from ASI Kewal Singh, opposes the petition and states that investigation in FIR in question is at a very initial stage and the petition has been filed prematurely seeking quashing of the same.
6. Arguments heard.
7. In this case, FIR in question was registered on 08.04.2023 against the petitioner for commission of the offence punishable under Section 304 IPC. I am in agreement with the submission of learned State counsel that investigation is still at a very nascent stage. Moreover, truth needs to be unveiled and the same is feasible only after the investigation is complete.
8. In the aforesaid premise, no grounds for interference, at this stage, is made out.
9. Dismissed.
10. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 31, 2023
mahavir

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