

S. No.217

2023:PHHC:130211

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

CRM-M-84931 of 2018

Date of Decision:07.10.2023

Pawan Kumar

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ajit Lamba, Advocate for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

DEEPAK GUPTA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0078 dated 11.04.2018 registered at Police Station Agroha under Sections 3, 4, 5 of MTP Act and Section 420 IPC and as well as the police report under Section 173 Cr.P.C for the offences under Sections 3, 4, 5 of MTP Act and Section 420 IPC along with all subsequent proceedings arising therefrom.

Status report by way of affidavit of Shri Sanjeev Kumar, HPS, Deputy Superintendent of Police, Hisar-II, Hisar has been filed on behalf of respondent- State.

On the last date of hearing, it was observed by this Court that only short question involved is whether mere sale of MPT kit without any prescription is an offence under any of the provisions under the Medical Termination of Pregnancy Act, 1971 because the only allegation against the petitioner was to that effect.

Today, learned counsel for the petitioner has relied upon Satbir Vs. State of Haryana, CRM-M-24487 of 2021 decided on 13.09.2023, wherein a similar question was posed before a co-ordinate Bench of this Court. This Court by referring to Dr. Vandana Malik Vs. State of Haryana – CRM-M-15860 of 2014, concluded that sale of MTP Kit itself cannot be said to be offence punishable under MTP Act.

Having regard to the settled legal position, FIR No.0078 dated 11.04.2018 registered at Police Station Agroha under Sections 3, 4, 5 of MTP Act and Section 420 IPC and as well as the police report under Section 173 Cr.P.C for the offences under Sections 3, 4, 5 of MTP Act and Section 420 IPC along with all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner.

October 07, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No