



WEB COPY



CrI.O.P.(MD)No.6575 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

CrI.O.P.(MD) No.6575 of 2022

and

CrI.M.P.(MD).No.4550 of 2022

1.Paramakudi Scan and Research Centre,
Sri Muthalamman Diagnostic Centre,
3/112A, Ayyadurai Street,
Paramakudi,
Ramanathapuram District.

2.S.Deivanayaki

... Petitioners

Vs.

District Appropriate Authority,
For District under Pre-conception &
Pre-Natal Diagnostic Techniques
(Prohibition of Sex Selection)Act
(Central Act) No.57 of 1994
The Joint Director of Medical Services (Act)
Ramanathapuram District.

The Medical Officer,
Government Hospital,
Paramakudi,
Ramanathapuram District.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned complaint filed in C.C.No.13 of 2022 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram and quash the same as illegal.



Crl.O.P.(MD)No.6575 of 2022

For petitioners : Mr.K.R.Laxman
For Respondent : Mr.P.Kottaichamy
Government Advocate
(Criminal Side)

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.13 of 2022 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram, against the petitioners herein.

2. The case of the prosecution is that on 08.09.2021, the respondent conducted inspection in Paramakudi Scan and Research Centre/first petitioner which was administered by the second petitioner and during the time of inspection, it was found that the signature of the Doctor was not found in Form-F maintained in the scan centre from 09.04.2021. Hence, the defacto complainant has filed a complaint under Section 200 Cr.P.C and Section 23(1) of the Preconception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act (Central Act) No.57 of 1994 before the learned Judicial Magistrate, Paramakudi and the same was taken on file in C.C.No.13 of 2022.



5. In the above circumstances, the trial court has rightly taken the case on file and this Court is of the considered view that no prejudice would be caused to the petitioners, if they are subjected to due trial as sufficient opportunity would be given to the petitioners to put forth their defence. The petitioners cannot be let by quashing the charges framed against them as that would completely undermine the alleged act, which is the subject matter of criminal trial pending against them. Useful reference in this regard can be made to the decision of the Hon'ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)***



WEB COPY



Crl.O.P.(MD)No.6575 of 2022

6. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.13 of 2022, pending on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram. Accordingly, this Criminal Original Petition is dismissed.

7. The learned counsel appearing for the petitioners would submit that this Court may consider to dispense with the personal appearance of the petitioners before the court below and may direct the trial Court to dispose of C.C.No.13 of 2022 within a reasonable time.

8. Taking into consideration the request as made by the learned counsel for the petitioners, the appearance of the petitioners before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days. The learned Judicial Magistrate, Paramakudi, Ramanathapuram District, is directed to dispose



CrI.O.P.(MD)No.6575 of 2022

of C.C.No.13 of 2022 within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

07.03.2024

Index : Yes/No
Internet : Yes/No
ssb

To

1. The learned Judicial Magistrate, Paramakudi, Ramanathapuram.

2. The Medical Officer,
Government Hospital,
Paramakudi,
Ramanathapuram District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.6575 of 2022

M.DHANDAPANI. J.

ssb

Crl.O.P.(MD)No.6575 of 2022

07.03.2024