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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 921/2020**
GANGA RAM HOSPITALPetitioner

Through: Ms. Gunjan Sinha Jain,
Mr. Manu Bajaj & Ms.
Muskaan Gopal,
Advocates.

versus

STATERespondent
Through: Ms. Nandita Rao, ASC-
CRL for the State.
SI Awadesh Narayan (P.S.
Rajinder Nagar).

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
20.09.2024

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1. The present petition is filed seeking quashing of FIR No. 188/2020 dated 05.06.2020 registered at Police Station Rajinder Nagar for offence under Section 188 of the Indian Penal Code, 1860 ('IPC'), including all consequential proceedings arising therefrom.

2. Briefly stated, the FIR in the present case was registered consequent to the alleged disobedience of the guidelines for COVID-19 testing, issued by the ICMR. The guidelines dated 18.05.2020 stipulated a specific requirement to the effect that all testing of COVID-19 suspected cases, whether symptomatic or asymptomatic, were to be conducted "by real -time RT-PCR test only". The RT-PCR App, which forms the fulcrum of the controversy in the present case, was developed by ICMR, through the National Informatics Centre (NIC), to enable the

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collection centres to enter the details of the Specimen Referral Form, while sending the swab samples to the recognised labs.

3. Consequent thereto, Office Order No. 174/DGHS/PHW-IV/COVID-19/RTPCR App/2020/2625-69, dated 06.05.2020 was issued by the DGHS, GNCTD, directing that all lab collection and test requisitions for COVID-19 were to be processed only through the said App.

4. On 03.06.2020, Order No. F.50(1)/PART FILE-III/2020/IDSP/CDMO/CENTRAL : 181 was issued by the DGHS, *in lieu* of apparent disobedience of the office order dated 06.05.2020 since the petitioner had not started using the RT-PCR App. In terms of Section 3 of the Epidemic Diseases Act, 1897, any person disobeying any regulations made under the Act was deemed to have committed an offence punishable under Section 188 of the IPC.

5. This Court, *vide* judgment dated 22.06.2020 in CRL.M.A No. 7661 of 2020 allowed the application filed by the petitioner seeking stay on the proceedings arising out of the subject FIR. It is clear that no intention can be attributed on the petitioner for alleged disobedience of the office order.

6. Concededly, the FIR was registered way back in the year 2020 during the onset of COVID-19 and the allegations made have lost its significance.

7. Without going into the facts whether any offence was committed, this Court deems it appropriate to exercise power under Section 482 of the Code of Criminal Procedure, 1973 to avoid any unnecessary abuse of the process of law and quash the proceedings arising out of the present FIR. I am of the opinion that ends of justice would be secured if the petitioner is put to cost.



8. In view of the above, the FIR No. 188/2020 and all proceedings arising therefrom are quashed, subject to the petitioner hospital paying a sum of ₹50,000/- (₹20,000/- to Delhi Police Welfare Fund, ₹20,000/- to Bar Council of Delhi 'Indigent & Disabled Lawyers Fund and ₹10,000/- to Chhatravas Chandra Arya Vidya Mandir, Des Raj Campus, C Block, East of Kailash, New Delhi), within a period of four weeks from the date.
9. Let the proof of deposit of cost be deposited with the concerned SHO.
10. The present petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

SEPTEMBER 20, 2024

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