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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 1667/2022 & CRL.M.A. 7121/2022**

NULIFE HOSPITAL & ANR.

.....Petitioners

Through: Ms. Mansi Bajaj and Ms. Nidhi Tyagi, Advocates.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for the State.

Mr. Sachin Jain, Advocate for the Complainant with Complainant in-person.

DCP Jitender Meena, Insp. Rajeev Shah and Insp. Mahender, SI Pawan Kumar, PS Mukherjee Nagar.

+ **CRL.M.C. 2290/2022 & CRL.M.A. 9661/2022**

VYOM AGGARWAL

.....Petitioner

Through: Mr. Shiv Charan Garg, Mr. Imran Khan and Ms. Jahanvi Garg, Advocates.

versus

STATE GOVT OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for the State.

Mr. Sachin Jain, Advocate for the Complainant with Complainant in-person.

DCP Jitender Meena, Insp. Rajeev Shah and Insp. Mahender, SI Pawan Kumar, PS Mukherjee Nagar.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD



ORDER

30.07.2024

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1. The Petitioners have approached this Court for quashing FIR No.443/2022 dated 15.04.2022 registered at Police Station Mukharjee Nagar for offences under Section 336/338 IPC. Dr. Shakuntala Kumar is Petitioner No.2 in CRL.M.C. 1667/2022.

2. It is stated that the final report under Section 173(4) CrPC has been filed before the learned MM. A copy of the same has been handed over in Court today. The relevant portion of the same reads as under:-

“As per the report of DMC, NMC, AIIMS and the investigation of the case, conducted so far, there is insufficient evidence for charge sheet against the accused Dr. Shakuntla Kumar. However, the FINAL REPORT putting the name of the accused Dr. Shakuntla Kumar w/o Late Sh. Harish Kumar r/o 1616, Outram Line, Mukherjee Nagar, Delhi in column no.12, under Section 336/338 IPC is prepared and the same is being submitted before the Hon’ble court for kind perusal. The Hon’ble court may issue notice to the accused person and commence trial, if think appropriate. The final report is submitted please.”

3. It appears that for both Dr. Shakuntala Kumar, i.e., Petitioner No.2 in CRL.M.C. 1667/2022 and Dr. Vyom Aggarwal, i.e., Petitioner in CRL.M.C. 2290/2022, there is insufficient evidence for chargesheet and they are being put in Column No. 12. In view of the above, this Court does not find any reason to proceed further in the matter at this juncture.

4. Needless to state that all the rights and contentions of the parties are left open to advance arguments in accordance with law before the learned MM and if any of the parties are aggrieved by the order of the learned MM,



it is always open for them to approach this Court.

5. The petitions are disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

JULY 30, 2024

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