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

+ **W.P.(C) 6248/2025**

KUNAL BAJAJ

.....Petitioner

Through: Mr. Giriraj Subramaniam, Ms. Reea Mehta, Mr. Prayuj Sharma and Mr. Simarpal, Advocates.

versus

NATIONAL MEDICAL COMMISSION & ANR.Respondents

Through: Mr. Bishwa Bandhu, Mr. Bipul Kumar and Ms. Nisha, Advocates for R1.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **09.05.2025**

CM APPL.28480/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present petition has been filed by the petitioner seeking that the respondent no. 1/National Medical Commission be directed to take action against respondent no. 2 [Dr. Rajesh Nagpal, MD, (PGI Psychiatry)], in terms of petitioner's complaint dated 31.03.2025, *inter alia*, for violation of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002.

4. It is submitted that during the period between 2009-13, the petitioner was the patient of respondent no. 2. However, despite the existence of a fiduciary (doctor/ patient) relationship between the petitioner and respondent



no. 2, an affidavit of evidence dated 03.02.2025 came to be submitted by the respondent no.2, in capacity of a witness, in support of the case sought to be made out by the wife of the petitioner in proceedings initiated against the petitioner under Section 12 of the Domestic Violence Act, 2005.

5. *Prima facie*, if the averments made the present petition are true, the conduct of the respondent no. 2 is egregious.

6. Learned counsel for respondent no. 1 submits that in the first instance, it is incumbent on the petitioner to submit a complaint before the concerned State Medical Council.

7. It is noticed that the respondent no.2 is registered before the Maharashtra Medical Council (Annexure P-4).

8. In the aforesaid circumstances, the learned counsel for the petitioner seeks to withdraw the present petition with liberty to file appropriate complaint before the Maharashtra Medical Council.

9. In the event, if a complaint is filed by the petitioner before the Maharashtra Medical Council, the same shall be decided expeditiously by passing a reasoned order, and after affording an opportunity of hearing to the concerned parties, and preferably within a period of 12 weeks from today.

10. The present petition is, accordingly, disposed of.

SACHIN DATTA, J

MAY 9, 2025/at