HC-KAR

NC: 2026:KHC:60627
WP No. 26463 of 2024

CNR: KAHC010535712024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION No.26463 OF 2024 (GM-RES)

BETWEEN:

1. M/s SRIDEVI NURSING HOME
   1, 2, 3, RCES COLONY
   BOGADI 2ND STAGE,
   MYSURU – 570 026
   REP. BY ITS MANAGING DIRECTOR
   DR. B.D. DEVARAJ

2. DR B.D. DEVRAJ,
   S/O DEVAPPA
   AGED ABOUT 59 YEARS,
   MANAGING DIRECTOR
   R/AT 51 C BLOCK, C BAOCK
   VIJAYANAGARA 3RD STAGE,
   80 FEET ROAD
   MYSURU - 570 017.

Digitally signed by R MANJUNATHA
Location: HIGH COURT OF KARNATAKA

3. DR. P NALINI
   W/O DR. B D DEVARAJ
   AGED ABOUT 54 YEARS
   PARTNER AND BUILDING OWNER
   OBSTETRICS AND GYNAECOLOGY
   R/AT 51C BLAOCK, B BAOCK
   VIJAYANAGARA 3RD STAGE,
   80 FEET ROAD
   MYSURU - 570017.

4. DR. HARISH A C
   AGED ABOUT 53 YEARS,
   S/O A CHIKKASWAMY
   WORKING AS RADIOLOGIST

AT M/S SRIDEVI NURSING HOME
R/AT 16, 2ND CROSS, 3RD MAIN
DVC LAYOUT E AND F BLOCK
RAMAKRISHNA NAGARA
MYSORE - 570 022.

…PETITIONERS

(BY SRI P.P.HEGDE, SENIOR ADVOCATE FOR
SRI VENKATESH SOMAREDDY, ADVOCATE)

AND:

DR GOPINATH
S/O LATE J SURESH,
AGED 50 YEARS,
THE DISTRICT APPROPRIATE AUTHORITY
PC AND PNDT, FAMILY WELFARE OFFICE
MYSURU CITY – 570 001.

…RESPONDENT

(BY SMT.WAHEEDA.M.M, HIGH COURT GOVERNMENT PLEADER)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SECTION 482 CODE OF CRIMINAL PROCEDURE PRAYING TO QUASH THE PROCEEDINGS IN C.C.NO.30/2024 PENDING ON THE FILE OF JMFC (II), MYSURU REGISTERED FOR THE OFFENCE PUNISHABLE UNDER SECTION 20(1), 20(2), 20(3), 23, 23(1), 23(2) OF PRE-CONCEPTION AND PRE-NATAL DIAGNOSTIC TECHNIQUES (PROHIBITION OF SEX SELECTION) ACT, 1994 IN SO FAR AS THE PETITIONER IS CONCERNED VIDE ANNEXURE-B AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri P.P.Hegde, learned Senior Advocate representing petitioners for Sri Venkatesh Somareddi, learned counsel for the petitioners and Smt.M.M.Waheeda, learned High Court Government Pleader for the State.

2. Petition under Articles 226 and 227 of the Constitution of India r/w Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the following prayer:

> *"Issue a writ of certiorari quashing the proceedings in C.C.No.30/2024 pending on the file of JMFC (II), Mysuru registered for the offence punishable under Section 20(1), 20(2), 20(3), 23, 23(1), 23(2) of Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, in so far as the petitioner is concerned vide Annexure-B."*

3. At the outset, learned Senior Advocate would contend that no offence has taken place under the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection)

Act, 1994 (hereinafter referred to as 'Act' for short)). He would point out that only deficiency noted by the inspecting team is that the equipment/machine was not properly placed in the requisite place and therefore, case came to be registered. Thus sought for allowing the petition.

4. *Per contra*, learned High Court Government Pleader would support the continuation of the case. She would contend that data of the patients is not properly maintained by the accused and placing of the machine/equipment is not properly intimated.

5. Having heard both sides, this Court perused the material on record meticulously.

6. On such perusal of the material on record, if a particular scanning equipment is not kept in the requisite place, no offence can be said to be committed under the said Act.

7. The contentions urged by learned High Court Government Pleader would *per se* amount to irregularity and not illegality.

8. Accordingly, no useful purpose would be served by continuing the criminal case against the petitioners.

9. Accordingly, the following:

ORDER

(i) Petition ***allowed***.

(ii) Proceedings pending in C.C.No.30/2024 on the file of Judicial Magistrate First Class (II Court), Mysuru, is hereby quashed.

Sd/-
(V SRISHANANDA)
JUDGE

kcm
List No.: 1 Sl No.: 52
CT:VRR