



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M No.11261 of 2019
Reserved on: 04.05.2026
Pronounced on: 05.05.2026
Uploaded on: 06.05.2026**

*Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced: operative part/full judgment*

Shyamwati

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Argued by:- Mr. Parveen K. Gaur, Advocate
for the petitioner.

Mr. Sushil Bhardwaj, Addl. A.G., Haryana.

Mr. Rajesh Lamba, Advocate and
Mr. Abhinav Kaushik, Advocate
for respondents No.2 and 3.

None for respondents No.4 and 5.

MANDEEP PANNU, J.

1. This is a petition for quashing of the order dated 18.05.2017 passed by learned Judicial Magistrate First Class, Faridabad in FIR No.264 dated 27.03.2017, registered under Sections 323, 506 and 34 of the Indian Penal Code at Police Station City, Ballabgarh, District Faridabad.

2. It is further a matter of record that an application was filed by the accused/present petitioner seeking re-examination of the injured/victim by a Medical Board. In the said application, it was alleged that the FIR was



initially registered under Sections 323, 506 read with Section 34 IPC and the accused were granted bail; however, subsequently, in connivance with the complainant, the offence under Section 307 IPC was added though the same was not made out from the facts. It was thus prayed that the injured be re-examined by a duly constituted Medical Board to ascertain the true nature of injuries.

3. A reply to the said application was filed on behalf of the complainant, opposing the same and submitting that the injured had already been medico-legally examined and the injuries were duly recorded in the MLR. It was further contended that due to the grievous nature of injuries, Section 307 IPC was rightly added during investigation and that the application was merely an attempt to delay the proceedings.

4. Learned trial Court, after hearing both the parties and perusing the record, including the status report and medical documents, observed that the injured was medico-legally examined on 27.03.2017 and the MLR was prepared wherein two injuries were noted. Injury No.1 was referred for opinion of the ENT Surgeon, whereas injury No.2 was opined to be simple and blunt. The Court further noticed that the injured was subsequently referred to B.K. Hospital and different medical opinions were obtained at different stages. It was observed that as per one opinion, injury No.1 was simple in nature, whereas in another opinion, keeping in view the allegation of strangulation, it was opined that the patient could be in danger of life due to vasovagal attack. On the basis of such opinion, the offence under Section 307 IPC came to be added. However, learned trial Court found that the medical opinions on record were not consistent and did not clearly specify whether injury No.1 was grievous in nature or dangerous to



life. It was also noticed that the subsequent opinion dated 05.05.2017 did not conclusively record the nature of injury as grievous or life-threatening. In these circumstances, the Court held that there existed ambiguity in the medical evidence regarding the nature and gravity of injury sustained by the complainant. Accordingly, in order to arrive at a just and proper conclusion and in the interest of justice, learned trial Court deemed it appropriate to direct the Chief Medical Officer, B.K. Hospital, to constitute a Medical Board to re-examine the medical record pertaining to the injured and to furnish a clear and specific opinion regarding the nature of injury No.1. It was further observed that the contention of the complainant that the marks of injury had disappeared would not affect the process, as the Medical Board was required to examine the existing medical record and not the physical condition of the injured alone. The concerned authority was thus directed to take necessary action and submit its report accordingly.

5. Learned counsel for the petitioner has contended that learned trial Court has not taken into consideration the contention of the complainant/petitioner to the effect that after the treatment and passing of time, the mark of injury has disappeared. Thus, he has prayed that the application for re-examination of injured/victim by the Medical Board was merely an attempt to delay the proceedings and the impugned order dated 18.05.2017 passed by learned trial Court deserves to be set-aside.

6. Mr. Rajesh Lamba, Advocate/learned counsel for respondents No.2 and 3 has argued that learned trial Court was justified in passing the impugned order directing the CMO, B.K. Hospital, to constitute the Medical Board to re-examine the medical record of the injured to give



specific opinion as there were two different opinions regarding injury No.1 creating doubt about the seriousness of the said injury and thus, he has prayed for dismissal of this petition.

7. I have heard learned counsel for the parties and have gone through the record of the case carefully.

8. The core issue involved in the present petition is whether learned trial Court was justified in directing constitution of a Medical Board for seeking a clear opinion with regard to the nature of injury No.1.

9. A perusal of the record reveals that the injured was medico-legally examined and injury No.1 was opined to be “simple in nature”. However, in the same breath, the medical opinion also records that since it was an alleged case of strangulation, the patient could die due to vasovagal attack. Thus, the opinion of the doctor is not categorical and suffers from inherent ambiguity. On the one hand, the injury is termed as simple, while on the other hand, a possibility of fatal consequence is indicated. Such an opinion is evidently conditional and speculative in nature and does not conclusively answer the material question as to whether the injury was “dangerous to life”, which is a relevant consideration for the applicability of Section 307 IPC.

10. It is well settled that though medical opinion is not conclusive, yet where the same is uncertain or self-contradictory, the Court is well within its jurisdiction to seek clarification so as to arrive at a just and proper conclusion. The criminal Court is duty bound to ascertain the true nature of injuries, particularly when the same has a direct bearing on the nature of offence alleged. In the present case, learned trial Court, upon noticing the inconsistency in medical opinions, rightly formed an opinion that there



existed ambiguity regarding the nature and gravity of injury No.1.

11. The direction issued by learned trial Court is limited in scope, inasmuch as it only requires the Medical Board to examine the existing medical record and furnish a clear and specific opinion. It does not entail any fresh or physical examination of the injured at this stage. Such a course adopted by the trial Court cannot be said to be arbitrary or beyond jurisdiction; rather, it reflects a cautious and judicious approach to ensure that the correct nature of injury is determined on the basis of expert opinion.

12. In view of the above, this Court is of the considered opinion that learned trial Court was fully justified in seeking clarification of the medical opinion, which was ambiguous and self-contradictory. No illegality, perversity or jurisdictional error is made out in the impugned order warranting interference by this Court in exercise of its inherent jurisdiction.

13. Accordingly, the present petition is dismissed.

14. Considering that the FIR pertains to the year 2017 and the impugned order was also passed in the said year, this Court deems it appropriate to direct learned trial Court to make earnest endeavours to expedite the proceedings and conclude the trial at the earliest. The parties are also directed to extend full cooperation and not to seek unnecessary adjournments so as to ensure expeditious disposal of the case.

15. Pending applications, if any, also stand disposed of.

16. However, nothing observed herein shall be construed as an expression on the merits of the case.

(MANDEEP PANNU)
JUDGE

05.05.2026

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No