



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF APRIL, 2024

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 3154 OF 2024

BETWEEN:

DR. RAVIKUMAR N.K

...PETITIONER

(BY SRI TEJASVI K.V, ADV.)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY NELAMANAGAL
TOWN POLICE STATION
JAYANAGARA, NELAMANGALA TOWN
NELAMANGALA TALUK
BENGALURU RURAL DISTRICT
KARNATAKA - 562 123
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BENGALURU - 560 001.
2. DR. S R MANJUNATH

...RESPONDENTS

(BY SMT. K.P. YASHODHA, HCGP)



THIS CRL.P FILED U/S.482 CR.P.C PRAYING TO QUASH THE COMPLAINT AND FIR INITIATED AGAINST THE PETITIONER AND REGISTERED AS CR.NO.34/2024 BEFORE THE NELAMANGALA TOWN POLICE STATION FOR THE OFFENCE P/U/S 312, 313, 315, 316 OF IPC R/W SEC. 4(b), 5(1)(2) AND (3) OF MEDICAL TERMINATION OF PREGNANCY ACT, FILED BY THE RESPONDENT NO.2 HEREIN AT ANNEXURE-A AND B. AND ALLOW THIS CRIMINAL PETITION ON THE FILE OF THE II ADDITIONAL CIVIL JUDGE AND JMFC NELAMANGALA BENGALURU RURAL.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. Petitioner is before this Court under Section 482 Cr.PC with a prayer to quash the entire proceedings in Crime No.34/2024 registered by Nelamangala Town Police Station, Bengaluru District, for the offences punishable under Sections 312, 313, 315, 316 IPC read with Section 5(b), 5(1)(2) & (3) of Medical Termination of Pregnancy Act, 1971 (for short, 'the Act').
2. Heard the learned Counsel for the petitioner and the learned HCGP for the respondents,
3. Learned Counsel for the petitioner having reiterated the grounds urged in the petition submits that the petitioner is a qualified doctor. He and his wife who is also a doctor are running a hospital in the name of Aasare Hospital, Nelamangala



Town. Petitioner has been falsely implicated in the impugned criminal case. FIR could not have been registered for the offences under the provisions of Medical Termination of Pregnancy Act, 1971, since the first informant is not a competent authority to initiate proceedings under the said Act. The District Health and Family Welfare Officer, in his statement has admitted this aspect of the matter, and therefore, continuation of impugned criminal proceedings as against the petitioner would amount to abuse process of law.

4. Per contra, learned HCGP has seriously opposed the petition. She submits that during the course of investigation, it is unearthed that there was a huge scam of illegal termination of pregnancy in the hospital belonging to the petitioner. They have performed 74 such illegal termination of pregnancy. They have not maintained proper registers as required under the Act. Investigation in the case is under progress. In addition to the petitioner's hospital, there are many other hospitals as against which action is being initiated. Therefore, she prays to dismiss the petition.



5. FIR in Crime No.34/2024 was registered by Nelamangala Town Police Station, Bengaluru District, on the basis of the first information from Dr. S.R.Manjunath, District Family Welfare Officer. In the report dated 19.02.2024, it is averred that for the period from 2021 onwards, as many as 74 illegal termination of pregnancy was done in the hospital of the petitioner herein and the hospital has not maintained proper admission registers as required under the provisions of the Act. FIR has been now registered for the offences punishable under Sections 312, 313, 315, 316 of IPC and also for the offences under Sections 4(b), 5(1) (2) & (3) of the Act. The offence under Section 313 IPC is punishable with imprisonment for life. Investigation in the case is under progress.

6. Learned HCGP submits that similar offences committed in other hospitals is also unearthed and action is being taken as against all the erring hospitals throughout the State. The contention urged by the petitioner with regard to the authority of first informant to initiate criminal proceedings is premature at this stage, since the charge sheet is yet to be filed. FIR is not only registered for the offences under the Act, but also for the offences under the provisions of IPC. Under the circumstances,



in exercise of powers under Section 482 Cr.PC, the investigation which is under progress cannot be stalled. Therefore, I do not find any merit in this petition at this stage. Accordingly, petition is dismissed.

Sd/-
JUDGE

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