



IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH
DATED THIS THE 25TH DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAJESH RAI K
CRIMINAL PETITION NO. 201630 OF 2025
(482(Cr.PC)/528(BNSS))
C/W
CRIMINAL PETITION NO. 201629 OF 2025
CRIMINAL PETITION NO. 201633 OF 2025

IN CRL.P No. 201630/2025

BETWEEN:

DR MANJULA GOWDA
W/O DR S.B. BHADRANNAVAR
AGE: 45 YEARS, OCC: OWNER
OF ITAGI CLINIC DEVADDURGA
R/O ITAGI CLINIC, APMC
BESIDES NEW BUS-STAND
DEVADURGA, DIST: RAICHUR.

...PETITIONER

(BY SRI. SHIVANAND PATIL., ADVOCATE)

AND:

1. THE STATE, TOWN P/S DEODURGA
THROUGH
THE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
KALABURAGI BENCH
KALABURGI-585107
2. THE DIST APPROPRIATE AUTHORITY
(DAA)-PC AND PNDDT CUM DEPUTY





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COMMISSIONER, RAICHUR-584101
REPRESENTED BY DELEGATED
APPROPRIATE AUTHORITY
PC AND PNDT ACT
BY SRI. DR SHIVAKUMAR
S/O VEERABHADRAPPA
AGE: 53 YEARSS, OCC: DIST
FAMILY WELFARE OFFICER,
DHO OFFICE, RAICHUR-585401.

...RESPONDENTS

(BY SRI.JAMADAR SHAHABUDDIN HCGP FOR R1;
SRI. GOURISH S. KHASHAMPUR ADV., FOR R2)

THIS CRL.P IS FILED U/S. 528 OF BNSS, U/SEC 482 OF CR.P.C. PRAYING TO ALLOW THE PETITION AND QUASH PROCEEDINGS AGAINST THE PETITIONER IN C.C NO. 637/2025 (ARISING OUT OF PC NO.35/2025) OF THE RESPONDENT NO.2 FOR OFFENCE PUNISHABLE U/SEC 23 OF P.C AND P.N.D.T ACT 1994 AND RULES FOR VIOLATION OF THE SEC. 20(3), 29 AND 6 OF P.C AND P.N.D.T ACT 1994 AND RULES 3(B)(1),(a) AND 2(c), (d) AND RULE 9(4),(5) AND (6) PENDING ON THE FILE OF CIVIL JUDGE AND JMFC DEVADURGA AND ALSO GRANT SUCH OTHER RELIEFS AS THE HONOURABLE COURT DEEMS FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

IN CRL.P NO. 201629/2025

BETWEEN:

DR SHEELA SAGARAD
W/O DR. SURESH SAGARAD
AGE: 50 YEARS, OCC: DOCTOR
R/O SGARAD MEDICAL CENTER
LINGASUGUR ROAD
NEAR CANARA BANK, RAICHUR

...PETITIONER

(BY SRI. SHIVANAND PATIL AND
SRI. VARUN PATIL, ADVOCATES)



AND:

1. THE STATE, SADAR BAZAR
P/S RAICHUR
THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
KALABURAGI BENCH
KALABURGI-585107
2. THE DIST APPROPRIATE AUTHORITY
(DAA)-PC AND PNDT CUM DEPUTY
COMMISSIONER, RAICHUR
REPRESENTED BY DELEGATED
APPROPRIATE AUTHORITY
PC AND PNDT ACT
BY SRI. DR SHIVAKUMAR
S/O VEERABHADRAPPA
AGE: 53 YEARSS, OCC: DIST
FAMILY WELFARE OFFICER,
DHO OFFICE, RAICHUR-585401.

...RESPONDENTS

(BY SRI.JAMADAR SHAHABUDDIN HCGP FOR R1;
SRI. GOURISH S. KHASHAMPUR ADV., FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. (OLD),
U/SEC. 528 OF BNSS (NEW), PRAYING TO ALLOW THE
PETITION AND QUASH PROCEEDINGS AGAINST THE
PETITIONERS IN CC NO.2816/2025 (P.C.NO.141/2025) OF
THE RESPONDENT NO.2 PENDING ON THE FILE OF
PRL. CIVIL JUDGE AND JMFC II AT RAICHUR FOR OFFENCE
PUNISHABLE U/SEC. 23 OF P.C. AND P.N.D.T ACT AND
RULES AND ALSO GRANT SUCH OTHER RELIEFS AS THE
HONOURABLE COURT DEEMS FIT IN THE FACTS AND
CIRCUMSTANCES OF THE CASE.

IN CRL.P NO. 201633/2025

BETWEEN:

DR MALLIKARJUNA
S/O MALLANGOWDA



AGE 40 YEARS
OCC: RADIOLOGIST CENTRE
NEAR GUNJ CIRCLE, SIYATALAB
RAICHUR

...PETITIONER

(BY SRI. SHIVANAND PATIL AND
SRI. VARUN PATIL, ADVOCATES)

AND:

1. THE STATE, SADAR BAZAR
P/S RAICHUR
THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
KALABURAGI BENCH
KALABURGI-585107
2. THE DIST APPROPRIATE AUTHORITY
(DAA)-PC AND PNDT CUM DEPUTY
COMMISSIONER, RAICHUR
REPRESENTED BY DELEGATED
APPROPRIATE AUTHORITY
PC AND PNDT ACT
BY SRI. DR SHIVAKUMAR
S/O VEERABHADRAPPA
AGE: 53 YEARSS, OCC: DIST
FAMILY WELFARE OFFICER,
DHO OFFICE, RAICHUR-585401.

...RESPONDENTS

(BY SRI.JAMADAR SHAHABUDDIN HCGP FOR R1;
SRI. GOURISH S. KHASHAMPUR ADV., FOR R2)

THIS CRL.P IS FILED U/S. 528 OF BNSS, U/SEC 482
OF CR.P.C. PRAYING TO ALLOW THE PETITION AND QUASH
PROCEEDINGS AGAINST THE PETITIONERS IN C.C NO.
1716/2025 (P.C NO. 30/2025) OF THE RESPONDENT NO. 2
PENDING ON THE FILE OF CHIEF JUDICIAL MAGISTRATE
AND PRL. SENIOR CIVIL JUDGE AND CJM AT RAICHUR, FOR
OFFENCE PUNISHABLE U/SEC 23 OF P.C AND P.N.D.T ACT
1994 AND RULES FOR VIOLATION OF SEC .6(C), 29 OF P.C
AND P.N.D.T ACT 1994 AND P.C AND P.N.D.T RULES



9(1),(4), (5), (6) (7) AND (8) AND ALSO GRANT SUCH OTHER RELIEFS AS THE HONOURABLE COURT DEEMS FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

THIS PETITION, COMING ON FOR PRONOUNCEMENT OF ORDER, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

CAV ORDER

These three petitions are filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the proceedings against the petitioners/accused in C.C.No.637/2025 (arising out of P.C No.35/2025), C.C.No.2816/2025 (arising out of P.C No.141/2025) and C.C.No.1716/2025 (arising out of P.C No.30/2025) for the offences punishable under Sections 23, 20(3), 29 and 6(c) of Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (for brevity, "PC and PNDT Act") and Rule 3(B)(1)A, 2(c)D and 9(1)(4)(5)(6)(7)(8) of PC and PCT Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996 (for brevity, "PC and PNDT Rules"), pending before the Trial Courts.

2. The abridged facts of the case are, respondent No.2-District Appropriate Authority (DAA)-PC and PNDT cum



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Deputy Commissioner, Raichur, delegated by appropriate Authority, PC and PNDT Act, filed the private complaint alleging contravention of the provisions of PC and PNDT Act and the Rules framed there under contending that, when respondent No.2 with his officials visited the respective Diagnostics Centers of the petitioners on 06.05.2025 and 07.05.2025, on enquiry they found several lapse and violations in maintenance and preservation of mandatory records i.e., referral slips, bill receipts, Ante-Natal Care (ANC) register, sonography images, sonography reports, monthly reports, incomplete Form-F Documentation etc. Accordingly, panchanamas were drawn and scanning machines were seized and subsequently, respondent No.2 filed complaint before the Principal Senior Civil Judge and CJM, Raichur, (for brevity "Trial Court") in P.C.No.30/2025 against Dr.Mallikarjuna i.e., petitioner in Crl.P.No.201633/2025, P.C.No.141/2025 against Dr.Sheela Sagarad i.e., petitioner in Crl.P.No.201629/2025, before the Principal Civil Judge and JMFC-II, Raichur (for brevity "Trial Court") on 29.05.2025 and P.C.No.35/2025 against Dr.Manjula Gowda i.e., petitioner in Crl.P.No.201630/2025, before the Civil



Judge and JMFC, Devadurga (for brevity "Trial Court") on 02.06.2025 for the aforementioned offences.

3. Based on the said private complaints, the Trial Courts took cognizance of the offences and issued summons to the petitioners. Aggrieved by the same, the petitioners preferred these petitions to quash the proceedings against them.

4. Heard learned counsel for the petitioners, learned HCGP for respondent No.1-State and learned Special Counsel for respondent No.2 in all the petitions.

5. The primary contention of the learned counsel for the petitioners is, the petitioners neither served with any notices nor heard in the matters before registering the case against them by respondent No.2. The same violates the principles of natural justice and contrary to Section 20 of the PC and PNDT Act, consequently, the proceedings vitiates. He also contended that the power of seizure and suspension of functioning of the Diagnostic Centers to be used sparingly in exceptional circumstances and not in the case of curable procedural lapses. According to him, the object and scheme of



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PC and PNDT Act and its provisions relating to any omission and commission in compliance of the Act and Rules, the appropriate Authority must seek explanation of the defaulter to find out if there is any criminal intent. In the event there being no criminal intent and lapses were mere procedural, compliances of such lapses ought to have been ordered before resorting to prosecution. He also contended that, the seizure of equipments must be done in the presence of two independent witnesses as per Rule 12 of the PC and PNDT Rules, but in the instant case, the said rule is not followed. With these submissions, he prays to allow the petition. In order to buttress his argument, he relied on the following judgments:

- i. B. Gopala Krishna vs. District Commissioner and District Appropriate Authority (DAA) Bengaluru reported in AIR Online 2024 KAR 1587;
- ii. Crl.P.No.3002/2024 – Smt. Subhalakshmi and Another vs. The State by District Appropriate Authority (DAA) and Another;
- iii. W.P.No.200185/2018 c/w W.P.No.200186/2018 and W.P.No.200187/2018 – Dr. Mallangouda vs. The State of District Appropriate Authority (DAA) and Another;
- iv. W.P.No.23644/2024 – Dr. Murali vs. The State by District Health and Family Welfare and Others.



6. *Per contra*, learned Special counsel for respondent No.2 contended that these petitions are not maintainable in view of Section 21 of the PC and PNDT Act, which provides alternative remedy for the petitioners to approach the State Appropriate Authority for any action taken by respondent No.2. He alternatively contended that these petitions are also liable to be dismissed on merits because, despite respondent No.2 issuing notices to the petitioners under Section 20 of the PC and PNDT Act in the year 2023 itself and having received the notices, the petitioners without replying or complying the said notices, continued multiple violations, irregularities and illegalities in the Diagnostic Centers. Left with no other option, respondent No.2 inspected the premises and seized the equipments and filed the private complaints against the petitioners as per Section 23 of PC and PNDT Act.

7. He further contended that, respondent No.2 followed the procedure contemplated under Rule 30 of PC and PNDT Rules and seized the equipments by conducting seizure panchanama. He also contended that, the petitioners have not only committed curable procedural lapse but also mandatory provisions. He placed the registration details of the Diagnostic



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Centers along with the other documents seized by respondent No.2, at the time of drawing seizure panchanama and submit that the act committed by the petitioners squarely comes within the ambit of offences prosecuted against them. With these submissions, he prays to dismiss the petition. To buttress his arguments, he relied on the following judgments:

- i. W.P. (Civil) No.129/2017 - Federation of Obstetrics and Gynecological Societies of India vs. Union of India;
- ii. DAA under PNDT Act and Chief District Health Officer vs. Jashmina Dilip Devda and Another in SLP No.17973/2015;
- iii. W.P. (Civil) No.349/2006 - Voluntary Health Association of Punjab vs. Union of India and Others.

8. I have given my anxious consideration both on the submissions made by the learned counsel for the respective parties and documents made available on record.

9. Before delving into the merits of the case, it is apposite to examine Section 20 of the PC and PNDT Act, which reads as under:



"20. Cancellation or suspension of registration.—

(1)The Appropriate Authority may suo moto, or on complaint, issue a notice to the Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic to show cause why its registration should not be suspended or cancelled for the reasons mentioned in the notice.

(2)If, after giving a reasonable opportunity of being heard to the Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic and having regard to the advice of the Advisory Committee, the Appropriate Authority is satisfied that there has been a breach of the provisions of this Act or the rules, it may, without prejudice to any criminal action that it may take against such Centre, Laboratory or Clinic, suspend its registration for such period as it may think fit or cancel its registration, as the case may be.

(3)Notwithstanding anything contained in sub-sections (1) and (2), if the Appropriate Authority is of the opinion that it is necessary or expedient so to do in the public interest, it may, for reasons to be recorded in writing, suspend the registration of any Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic without issuing any such notice referred to in sub-section (1)."

10. On bare reading of the above provision it is clear that before filing complaint or initiating action for the breach of provisions of PC and PNDT Act or PC and PNDT Rules, the Authority has to issue a notice to the Centers to show cause why its registration should not be suspended or cancelled and



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an opportunity has to be extended of being heard to the Centers before the advisory or appropriate committee. In the instant case, learned counsel for respondent No.2 placed the notices issued to the petitioners in respect of violations of the Act and Rules committed by them in the year 2023 itself with a direction them to give show cause within 3 days from the date of receiving the said notices. However, the petitioners neither replied the said notices nor appeared before the District Appropriate Authority of PC and PNDD, Raichur. Finally on 14.05.2025, proceedings conveyed in the ADD of PC and PNDD Committee and it is decided to launch prosecution by filing private complaint. As such, the contention of learned counsel for the petitioners that these private complaints are not maintainable for non-compliance of Section 20 of the PC and PNDD Act, does not hold much water. Further, the judgments of the Co-ordinate bench of this Court relied by the learned counsel for the petitioners is not applicable to the facts and circumstance of these case, in view of the compliance of Section 20 of the PC and PNDD Act and Rules.

11. The other contention raised by the learned counsel for the petitioners that, Section 12 of the Act is not complied



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with since no independent witness was present at the time of seizure panchanama is also factually incorrect, since the spot panchanama depicts, there are five panch witnesses to the seizure panchanama and among them, one is helper and other is the receptionist of the Center. These witnesses cannot be termed as official witness, as claimed by the learned counsel for the petitioners.

12. Learned counsel for respondent No.2 by placing reliance on the violations committed by the petitioners contended that, during the inspection, the team of respondent No.2 found Wipro GE Portable machine Logiq V2, Serial No.603073WXO in the centers of the petitioners, which is prohibited machine as per the PC and PNDT Act. The team also found several patients details whose "F-Form" was missing, which is mandatory to be maintained by the Center. According to the learned counsel, "F-Forms" of various months for 2 years were missing as per records found in the register. Nevertheless, in the private complaint it is stated that, a calendar was found prominently displayed within the premises of sonography depicting symbols and imagery that could potential suggest or indicate the sex of foetus. Consequently,



the same indirectly encourage or facilitate sex-selective practice, which are expressly prohibited under PC and PNDT Act. In such circumstance, *prima facie* the documents placed by the learned counsel for respondent No.2 reveals that, there are multiple violations and irregularities committed by the petitioners in their respective centers.

13. The Hon'ble Apex Court while dealing with the irregularities committed under PC and PNDT Act, held in the above judgments relied by the learned counsel for respondent No.2 that, the power under Sub-Section 20(3) of PC and PNDT Act is intermittent and addition to the power of Sub-section 2 of PC and PNDT Act, but it may be exercised sparingly in exceptional circumstance in public interest.

14. The Hon'ble Apex Court further held that, the way in which the non-maintenance of record can be used for violating the provisions of PC and PNDT Act. The non-filing of information in respect of F-Form cannot be termed to be clerical error; it would definitely a blatant and intentional violation of the provisions of PC and PNDT Act. In such circumstance, the whole some social legislation would be



defeated in case 'Form' is not filled, which is *sine qua non* *toto* under tests/procedures. If such conditions do not exist, no such procedure can be performed and diluting the provisions would be against the gender justice.

15. From the findings of the Hon'ble Apex Court in the above judgments, it is clear that the violation of basic fundamental requisite of PC and PNDT Act, amounts to dishonest, fraudulent and can be termed intentional one and such case cannot be classified into clerical errors. Further, it is not possible to term action as merely a clerical one as that is prerequisite for the tests/procedure and that is what is intended by the Act, if it is given a go by under the guise of clerical error, the Act would be rendered otiose. Restriction cannot be said to be excessive and beyond what is required in the public interest, they cater to the felt need of the society and the complex issue facing people, which the legislature intends to solve.

16. Collocating the above findings of the Hon'ble Apex Court in the above judgments, to the facts and circumstance of these cases, as discussed *supra*, there are multiple violations



committed by the petitioners in the Center despite issuing notices to them by the Authority in the year 2023 itself, more particularly maintaining incomplete Form-F documentation and ANC register and operating machine Wipro GE Portable machine Logiq V2, Serial No.603073WXO, which is prohibited machine as per PC and PNDT Act, cannot be termed as procedural lapse, as contended by the learned counsel for the petitioners. In such circumstance, the allegations made in the private complaint and the document placed by respondent No.2 has to be tested in a detailed trial and the proceedings cannot be quashed at this stage. Accordingly, these petitions lack merits and the same are ***dismissed***.

Sd/-
(RAJESH RAI K)
JUDGE

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