



2026:AHC-LKO:13182

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 871 of 2026

Gayatri Nanjundappa @ Dr. Gayatri Singh

.....Applicant(s)

Versus

The State of U.P. Thru. Prin. Secy. Home Lko. and
another

.....Opposite
Party(s)

Counsel for Applicant(s) : Dharendra Singh Panwar
Counsel for Opposite Party(s) : G.A.

Reserved on 11.02.2026 AFR

Delivered on 19.02.2026

Uploaded on 20.02.2026

HON'BLE BRIJ RAJ SINGH, J.

1. The present application has been filed seeking setting aside the order dated 13.06.2024 passed by the Chief Judicial Magistrate, Lucknow in Complaint Case No.9713 of 2008, Dr. A.K. Chaudhary Vs Dr. Gayatri Singh and another, under Section 23 of Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 (hereinafter referred to as the "Act, 1994"), Police Station Bakshi Ka Talab, District Lucknow, whereby the application for discharge preferred by the applicant was rejected and further the order dated 18.11.2025 passed by the Special Judge, Prevention of Corruption Act, Court No.7, Lucknow in Criminal Revision No.517 of 2024, Dr. Gayatri Singh Vs. The State of U.P. and another, whereby the revision filed by the applicant was dismissed.

2. The facts, in nut shell, are that a complaint was filed by opposite party no.2 under Section 23 of the Act, 1994 at Police Station Bakshi Ka Talab, District Lucknow on 18.11.2008, which was registered as Complaint Case No.9713 of 2008 before the Magistrate, whereupon the Magistrate took cognizance on 20.11.2008 and thereafter summon was issued against the applicant. The applicant surrendered and was enlarged on bail on 14.09.2010. The applicant moved an application for discharge, which was rejected on 13.06.2024. Being aggrieved by the said order, applicant preferred a revision, which too was dismissed by the revisional court vide order dated 18.11.2025. Hence, the instant application has been filed.

3. Sri Dharendra Singh Panwar, learned counsel for the applicant has submitted that applicant is an M.B.B.S. doctor and she has been a Registered Medical Practitioner since 1999 in the field of Obstetrics. Applicant is not the owner of Maa Chandrika Devi Maternity and Surgical Center and she was practicing there as Gynecologist at the time of alleged incident of search and seizure and the entire complaint is based on the hearsay evidence. He has further submitted that Dr. A.K. Chaudhary (opposite party no.2), the then Additional Chief Medical Officer, Lucknow is not the appropriate authority within the meaning of Section 17 of the Act, 1994 and he has no legal authority to file the present complaint. It is submitted that only single member of the Appropriate Authority cannot authorize any official to take action or decision as provided under Section 30(1) of the Act, 1994. The complaint is based on the proceedings of search and seizure conducted by the members of the search team on 13.11.2008, who were authorized by only single person of the party, as such the entire proceeding is vitiated.

4. Learned counsel for the applicant has further invited the attention of the Court towards the Government Notification No.3020/V-9-2007-6(74)-94-T.C. dated 30.11.1997, which has been issued in pursuance of Section 17 of the Act, 1994 and has submitted that as per clause (3) of the said Notification, the District Magistrate may nominate an executive Magistrate of the district as his/her nominee to assist him/her in monitoring the implementation of the Pre-conception and Pre-natal Diagnostic Techniques Act, as deemed necessary.

5. In sum and substance, learned counsel for the applicant has taken two legal grounds; firstly, that complaint was not filed by the Appropriate Authority as provided under Section 28 of the Act, 1994, i.e. District Magistrate, but the same was filed by the Additional Chief Medical Officer, Lucknow, which is not sustainable and; secondly, while taking action under Section 30 of the Act, 1994, it is imperative upon the District Magistrate to record reasons, but he has passed the order without recoding any reasons. In support of his contention, counsel for the applicant has relied upon the following judgments:

1. *Ravinder Kumar Vs. State of Haryana*, 2024 (4) JIC 742 (SC);

2. *Dr. Vinod Kumar Bassi Vs. State of U.P. and another*, 2024:AHC-

LKO:25839

6. On the other hand, Sri S.M. Singh Royekwar, learned Additional Advocate General assisted by Sri Rajdeep Singh, learned AGA-I for the State has submitted that the issue raised by the applicant has engaged attention of the Hon'ble Supreme Court in *Special Leave to Appeal (Crl.) No. 2226 of 2014, State of Madhya Pradesh Vs. Manvinder Singh Gill*, decided on 03.08.2015 and after going through the provisions of Section 28(1)(a) and Section 17(3)(b) of the Act 1994, it emerges that the complaint in respect of an offence under the Act, 1994 can be filed by the District Magistrate himself or by any officer authorised in this behalf by him. The District Magistrate has authorized the Additional Chief Medical Officer, Lucknow vide order dated 18.08.2008, which clearly indicates that the District Magistrate has authorized Additional Chief Medical Officer, Lucknow to do *pairvi* and file the complaint. In view of the express provision contained in Section 28(1)(a) of the Act, 1994, the Appropriate Authority has been authorized or empowered to delegate his power to file complaint to an officer, therefore, the complaint was maintainable and there is no illegality or infirmity in the summoning order.

7. Learned Additional Advocate General by citing the judgement of the Full Bench of the Gujarat High Court in the case of *Suo Motu Vs. State of Gujarat*, 2008 SCC OnLine Guj 294 and a judgement of this Court in the case of *Dr. Brij Pal Singh Vs. State of U.P. and another*, 2024 AHC 159207 has submitted that there is no ambiguity in Section 28(1) of the Act, 1994, which clearly conveys that complaint could be filed by an officer who is authorised in that behalf by the Central Government, State Government or the appropriate authority. The power of delegation is stipulated in all the three authorities under the provisions of Section 28 of the Act, 1994.

8. Learned Additional Advocate General has further invited the attention of the Court towards the order dated 18.08.2008, by which the District Magistrate has exercised his power as envisaged under Section 28(1)(a) of the Act, 1994 and has authorized Dr. A.K. Chaudhary, Additional Chief Medical Officer, Lucknow to file complaint in competent court under the Act, 1994. He has further submitted that vide order dated 13.11.2008, the District Magistrate issued an order under Rule 11 of the Rules, 1996,

which pertains to inspection for facilities at Ultrasound Clinic, Imaging Centre, etc. Thus, the argument of learned counsel for the applicant that the authorization dated 13.11.2008 is against the Act, is not sustainable. It is also submitted that Section 30 of the Act, 1994 also provides that if the Appropriate Authority has reason to believe that an offence under this Act has been or is being committed at Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic or any other place, such Authority *or any officer authorised in this behalf* may, subject to such Rules as may be prescribed, enter and search at all reasonable times with such assistance, if any, as such Authority or officer considers necessary, such Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic or any other place and examine any record, register, document, book, pamphlet, advertisement or any other material object found therein and seize and seal the same if such Authority *or officer* has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act. He has submitted that vide order dated 13.11.2008, the District Magistrate/Appropriate Authority under Rule 11 of the Rules, 1996 has authorised two officers to take action.

9. Learned Additional Advocate General has further invited the attention of the Court towards the Government Notification dated 30.11.1997 and has submitted that as per clause (3) of the said Notification, the District Magistrate may nominate an executive Magistrate of the district as his/her nominee to assist him/her in monitoring the implementation of the Pre-conception and Pre-natal Diagnostic Techniques Act and he has been empowered under clause (a) read with clause (b) of Sub-Section (3) of Section 17 of the Act, 1994. He has, therefore, submitted no interference is required by this Court in the impugned orders while exercising its inherent powers under Section 482 Cr.P.C.

10. I have heard learned counsel for the parties and perused the record.

11. For the sake of reference, Sections 17 and 28 of Act, 1994 are quoted below:-

“17. Appropriate Authority and Advisory Committee.-

1. The Central Government shall appoint, by notification in the Official Gazette, one or more Appropriate Authorities for each of the Union territories for the purposes of this Act.

2. The State Government shall appoint, by notification in the Official Gazette, one or more Appropriate Authorities for the whole or part of the State for the purposes of this

Act having regard to the intensity of the problem of pre-natal sex determination leading to female foeticide

3. *The officers appointed as Appropriate Authorities under sub-section (1) or sub-section (2) shall be,—*

(a) when appointed for the whole of the State or the Union territory, consisting of the following three members-

i) an officer of or above the rank of the Joint Director of Health and Family Welfare-Chairperson;

ii) an eminent woman representing women's organization; and

iii) an officer of Law Department of the State or the Union territory concerned:

Provided that it shall be the duty of the State or the Union territory concerned to constitute multi-member State or Union territory level Appropriate Authority within three months of the coming into force of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2002:

Provided further that any vacancy occurring therein shall be filled within three months of that occurrence.

(b) when appointed for any part of the State or the Union territory, of such other rank as the State Government or the Central Government, as the case may be, may deem fit.

4. *The Appropriate Authority shall have the following functions, namely:-*

(a) to grant, suspend or cancel registration of a Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic;

(b) to enforce standards prescribed for the Genetic Counselling Centre, Genetic Laboratory and Genetic Clinic;

(c) to investigate complaints of breach of the provisions of this Act or the rules made thereunder and take immediate action;

(d) to seek and consider the advice of the Advisory Committee, constituted under sub-section

(5), on application for registration and on complaints for suspension or cancellation of registration;

(e) to take appropriate legal action against the use of any sex selection technique by any person at any place, suo motu or brought to its notice and also to initiate independent investigations in such matter;

(f) to create public awareness against the practice of sex selection or pre-natal determination of sex;

(g) to supervise the implementation of the provisions of the Act and rules;

(h) to recommend to the CSB and State Boards modifications required in the rules in accordance with changes in technology or social conditions;

(i) to take action on the recommendations of the Advisory Committee made after investigation of complaint for suspension or cancellation of registration.

5. *The Central Government or the State Government, as the case may be, shall constitute an Advisory Committee for each Appropriate Authority to aid and advise the Appropriate Authority in the discharge of its functions, and shall appoint one of the members of the Advisory Committee to be its Chairman.*

6 *The Advisory Committee shall consist of—*

(a) three medical experts from amongst gynaecologists, obstericians, paediatricians and medical geneticists;

(b) one legal expert;

(c) one officer to represent the department dealing with information and publicity of the State Government or the Union territory, as the case may be;

(d) three eminent social workers of whom not less than one shall be from amongst representatives of women's organisations.

7. No person who has been associated with the use or promotion of pre-natal diagnostic technique for determination of sex or sex selection shall be appointed as a member of the Advisory Committee.

8. The Advisory Committee may meet as and when it thinks fit or on the request of the Appropriate Authority for consideration of any application for registration or any complaint for suspension or cancellation of registration and to give advice thereon:

Provided that the period intervening between any two meetings shall not exceed the prescribed period.

9. The terms and conditions subject to which a person may be appointed to the Advisory Committee and the procedure to be followed by such Committee in the discharge of its functions shall be such as may be prescribed

28. Cognizance of offences:

1. No court shall take cognizance of an offence under this Act except on a complaint made by—

(a) the Appropriate Authority concerned, or any officer authorised in this behalf by the Central Government or State Government, as the case may be, or the Appropriate Authority; or

(b) a person who has given notice of not less than fifteen days in the manner prescribed, to the Appropriate Authority, of the alleged offence and of his intention to make a complaint to the court.

Explanation.—For the purpose of this clause, “person” includes a social organisation.

2. No court other than that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

3. Where a complaint has been made under clause (b) of subsection (1), the court may, on demand by such person, direct the Appropriate Authority to make available copies of the relevant records in its possession to such person.”

12. Hon'ble Supreme Court in the case of **Manvinder Singh Gill** (supra) while considering the provisions of Sections 17 and 28 of the Act, 1994, held as under:-

“We perused Section 28 (1) (a) of the Act which reads as under:-

“28. Cognizance of offences. (1) No court shall take cognizance of an offence under this Act except on a complaint made by-- (a) the Appropriate Authority concerned, or any officer authorised in this behalf by the Central Government or State Government, as the case may be or the appropriate authority:”

When read carefully it emerges that the Authority vested in three officers, namely, authority the as Appropriate Authority, i.e. the notified under Section 17 (3) of the Act apart from any officer authorised in that behalf either by the Central Government or the State Government or by the concerned Appropriate Authority notified under Section 17(3) itself.”

Hon'ble Supreme Court in the aforesaid case has further observed as under:-

“Learned counsel for the petitioner, however, drew our attention to paragraph 11 of the impugned judgment wherein while considering Section 17 (3) (b) and (28) (1) (a) of the Act, the High Court stated that action under the Act can be taken by the Court only when a complaint is made by "the appropriate authority" or "by any officer authorised by the Central Government or State Government, otherwise such action would not be valid in law. While stating so, the High Court has omitted to note that under Section 28 (1)(a) any officer authorised by the "Appropriate Authority" notified under Section 17 (3) would also be entitled to initiate action under the Act.”

13. The aforesaid judgment of the Hon'ble Supreme Court has given the verdict that under Section 28(1)(a) of the Act 1994, any officer authorised by the Appropriate Authority notified under Section 17(3) of the Act, 1994 would also be entitled to initiate action under the Act, 1994. Thus, the authorization done by the District Magistrate is valid and the Additional Chief Medical Officer, Lucknow was empowered to file the complaint and there is no illegality in it.

14. The issue of authorization under Section 28(1)(a) of the Act 1994 has again considered by this Court in the case of **Dr. Brij Pal Singh** (supra). Relevant paragraph of the aforesaid judgement is extracted below:

“ISSUE (E)

78. In view of Section 28 of the PC & PNDT Act, the following persons are authorized to file complaint case for any offence under the PC & PNDT Act, Le. (1) the Appropriate Authority; (ii) any other person authorized by the Central Government or the State Government, as the case may be; (iii) or any person authorized by the Appropriate Authority and (iv) a person who has given a notice of not less than 15 days to the appropriate authority for filing of the complaint before the Magistrate.”

15. The aforesaid judgment also indicates that any person authorized by the Appropriate Authority is empowered to file a complaint before the Magistrate.

16. Similar question has been cropped up before the Full Bench of the Gujarat High Court in the case of **Suo Motu Vs. State of Gujarat** (supra) and the Full Bench has considered the provisions of Section 28(1)(a) of the Act 1994. Relevant paragraph of the said judgement is quoted below:-

“Use of the words “Appropriate Authority” twice, at the beginning and end of clause (a) of sub-section (1) of section 28, clearly conveys that complaint could be made by an officer who is authorised in that behalf by the Central Government, the State Government or the Appropriate Authority, besides the Appropriate Authority itself. The power to delegate and authorise an officer to make a complaint is clearly conferred upon all the three authorities under the provisions of section 28, and

therefore, a Court can take cognizance of an offence under the Act on a complaint made by any officer authorised in that behalf by the Appropriate Authority.”

17. The said judgment also clearly indicates that complaint could be filed by any officer, who is authorized by the Appropriate Authority. It appears that a coordinate Bench of this Court in the case of ***Dr. Vinod Kumar Bassi*** (supra) could not consider the judgement of Hon'ble Supreme Court rendered in the case of ***Manvinder Singh Gill*** (supra).

18. The second legal aspect that while passing the order dated 13.11.2008, the District Magistrate has not recorded his reasons. A critical reading of the order dated 13.11.2008 indicates that the same is issued under Rule 11 of the Rules, 1996 which provides facilities for inspection at any Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic, etc. and this Rule 11 further provides that the Appropriate Authority may authorized any other person to act in this behalf and there is no illegality in the order of authorization.

19. The second limb of argument advanced by the applicant's counsel also fails.

20. It is further to be noted that as per Clause 3 of the Notification dated 30.11.2017, District Magistrate may nominate an executive magistrate of the district as his/her nominee to assist him/her in monitoring the implementation of the Pre-conception and Pre-natal Diagnostic Techniques Act. He has been empowered under empowered under Clause (a) read with Clause (b) of Sub-Section 3 of Section 17 of the Act, 1994.

21. The scope of Section 17(1) has been considered by the Full Bench of Gujarat High Court in the case of ***Suo Motu Vs. State of Gujarat*** (supra) and by this Court in the case of ***Dr. Brij Pal Singh*** (supra).

22. It is pertinent to note that the applicant has challenged the order rejecting the application for discharge. At this stage, this Court cannot embark upon a mini-trial or undertake an evaluation of the evidentiary material on record. The contention that the complaint is founded on hearsay evidence is not tenable in proceedings under Section 482 of the CrPC. The inherent jurisdiction of this Court does not extend to assessing the probative value of evidence, which is a matter to be determined during trial upon the parties leading evidence in accordance with law.

23. In view of the aforesaid legal and factual aspects, the petition fails and

has no merits. Accordingly, it is *rejected*.

(Brij Raj Singh,J.)

February 19, 2026

Mohit Singh/Rao/-