



2025:CGHC:3982-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 277 of 2024

1 - Smt. Usha Singh W/o Ashok Kumar Singh Aged About 40 Years R/o H. No. 117, Ward-7, Bade Bacheli, South Bastar, Dantewada (C.G.)

2 - Ashok Kumar Singh S/o Late Shri N. Singh Aged About 53 Years R/o H. No. 117, Ward-7, Bade Bacheli, South Bastar, Dantewada (C.G.) ... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through Ps Khamardih, Raipur, District Raipur (C.G.)

2 - Superintendent Of Police Raipur District - Raipur (C.G.)

3 - Dr. Neeraj Pehlajani (Gynecologist) W/o Sameer Pehlajani, Director-Mata Laxmi Nursing Home And Investigation Centre P. Ltd. R/o Matalaxmi Nursing Home, Anupam Nagar Near Tv Tower, Raipur, District - Raipur (C.G.) (Particulars As Known By Petitioners)

4 - Dr. Sameer Pehlajani Director - Mata Laxmi Nursing Home And Investigation Centre P. Ltd. R/o Matalaxmi Nursing Home, Anupam Nagar Near Tv Tower, Raipur, District - Raipur (C.G.) Director Mata Laxmi Nursing Home And Investigation Centre P. Ltd. (Particulars As Knownby Petitioners)

5 - Chief Medical And Health Officer Raipur, (C.G.) ...**Respondents**
(Cause-title taken from Case Information System)

For Petitioners : Shri Aakash Kumar Kundu, Advocate
For Respondent/State : Shri SS Baghel, Dy GA
For Private Respondents : Shri Mukesh Sharma, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Justice Ravindra Kumar Agrawal
Order on Board

Per Ramesh Sinha, Chief Justice
22.01.2025

Heard Shri Aakash Kumar Kundu, learned counsel for the petitioners.

Also heard Shri SS Baghel, learned Dy GA, appearing for the

respondent/State, and Shri Mukesh Sharma, learned counsel for the Private Respondents.

1. Present petition is filed by the petitioners for the following reliefs:

“10.1 That, the Hon’ble Court may kindly be pleased to call for the relevant records from respondent no.1 & 2 as to any preliminary enquiry being conducted or investigation made on the complaint filed by the petitioners.

10.2 That, the Hon’ble Court may kindly be pleased to issue a writ/direction/order of appropriate nature directing the respondent no.1 to register an FIR against respondent no.3 & 4 and conduct investigation into the complaint made by the petitioners, promptly and diligently without any further delay.

10.3 That Court may kindly be pleased to issue a writ/direction/order of appropriate nature directing respondent no.1 & 2 to recover the kidnapped child of the petitioner and ensure his safety, they be further directed to hand over the custody of the child to the petitioners under such terms as may warranted under law.

10.4 That, this Hon’ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case.”

2. Learned counsel for the State submits that in the return dated 28.08.2024, copy of the Enquiry Report Annexure R/1, dated 20.08.2024

has been annexed, which was submitted by the Enquiry Committee consisting six expert doctors. The Enquiry Committee opined that all the documents of the hospital in question were found correct and no proof or evidence of any kind was submitted by the complainant regarding child theft. It is further opined that the said hospital was granted license under **Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994**, which has been enacted by the State Government to provide for registration and regulation of all clinical establishments.

3. Learned counsel for the private respondents submits that the State authorities have thoroughly investigated the matter and submitted their report Annexure R/1. It is submitted that there is no criminal act on the part of answering respondents, and they provided the children to petitioners at the time of discharge, and there was no complaint on their follow up visits.

4. After having heard learned counsel for the parties, and the pleadings exchanged therein the case, we do not find any good ground to interfere with the case. Petitioners are at liberty to take recourse to law, if they so advised.

5. In view of above, present petition stands disposed of.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice