

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15312 of 2023

Petitioner :- Dr. M.M. Tripathi @ Mritunjay Mani Tripathi And Another

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Nitin Sharma,Ajay Kumar Tiwari,Premendra Kumar

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Supplementary affidavit has been filed in Court, which is taken on record.
2. Heard Shri Nitin Sharma, learned counsel for the petitioners and learned A.G.A for the State respondents.
3. The relief sought in this petition is for quashing of the F.I.R. Dated 13.09.2023 registered as Case Crime No. 0267 of 2023, under Sections 420 IPC and 15(3) Indian Medical Council Act, 1956 & 7, 13 of the Prevention of Corruption Act, 1988, Police Station Siddharth Nagar, District Siddharth Nagar. Further prayer has been made not to arrest the petitioners in the aforesaid case.
4. Submission of learned counsel for the petitioners is that the informant himself is the culprit and to save himself has lodged the impugned First Information Report. It is next submitted that the informant, who had asked the accused, Ranjeet Kumar to produce certain videos for falsely implicating the petitioners and circulate them in social media and the petitioners are the Doctors holding Government post and therefore, present criminal prosecution is liable to be quashed.
5. *Per contra*, learned AGA opposed the prayer for quashing of the FIR and pointed out that there is specific reference to various videos wherein audio recording of money transactions is also reflected and the petitioners were seen with the main accused Ranjeet Kumar .
6. We also find that one of the co-accused had approached this

Court by filing a writ petition being Criminal Misc. Writ Petition No.15507 of 2023 (Ranjeet Kumar vs. State of UP and 2 others), which was dismissed by a co-ordinate Bench of this Court on 04.10.2023. The said order is quoted as under:

- 1. Heard learned counsel for the petitioner, learned counsel for the first informant and learned A.G.A. for the State.*
- 2. The instant writ petition seeks quashing of the FIR dated 13.09.2023 giving rise to Case Crime No.267 of 2023, under Section 420 of I.P.C., Section 15(3) of the Indian Medical Council Act, 1956 and Section 7/13 of Prevention of Corruption Act, 1988, Police Station Siddharth Nagar, District Siddharth Nagar.*
- 3. The contention of learned counsel for the petitioner is that a false and fabricated F.I.R. has been lodged against the petitioner because he failed to fulfil the demand of illegal gratification made by the Chief Medical Officer. It has also been submitted by the learned counsel for the petitioner that the District Magistrate has ordered an enquiry and that the concerned Chief Medical Officer, who lodged the first information report against the petitioner, has also been transferred.*
- 4. Upon hearing learned counsel for the parties and upon a perusal of the record, we find that the allegations made in the first information report contain ingredients of a cognizable offence, as such the first information report is not liable to be quashed specially on the basis of the submission that has been made by the learned counsel for the petitioner.*
- 5. The writ petition is therefore dismissed, without prejudice to the right of the petitioner to apply for bail/anticipatory bail. "*
- 7. In such of the matter, we do not find any good ground to take a different in view in the matter.*
- 8. However, in view of the law laid down by Hon'ble Supreme Court in the case of **State of Haryana and others vs. Bhajan Lal and others**, 1992 Supp. (1) SCC 335 and **M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra**, AIR 2021 SC 1918 and in **Special Leave to Appeal (Crl.) No.3262/2021 (Leelavati Devi @ Leelawati & another vs. the State of Uttar Pradesh)** decided on 07.10.2021, no case has been made out for interference with the impugned first information report.*
- 9. Therefore, the writ petition is devoid merit and is dismissed.*

Order Date :- 2.11.2023

RKM