

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 18048 of 2023

Petitioner :- Rajesh Jaiswal And Another

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

Counsel for Petitioner :- Mamta Singh

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Arun Kumar Singh Deshwal,J.

Heard learned counsel for the petitioner and learned A.G.A. for the State.

The instant writ petition seeks quashing of the FIR dated 31.10.2023 giving rise to Case Crime No.599 of 2023, under Sections 302, 420 I.P.C. and 34(2) National Medical Commission Act, 2019, Police Station Chiluataal, District Gorakhpur.

Perusal of the first information report shows that it had been lodged against unknown persons.

In our considered opinion, since, the petitioner is not named in the first information report, he has no locus to file this writ petition.

In case, his name has come to light during investigation, it is evidence which may have been collected during investigation that would not render the first information report liable to challenge.

Under the circumstances, the first information report cannot be quashed.

The writ petition is therefore without merit and is **dismissed**, without prejudice to the right of the petitioner to apply for bail/ anticipatory bail.

Order Date :- 22.11.2023

Vandana