

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 19006 of 2023

Petitioner :- Dr. D.K.Singh @ Dharmendra Kumar

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Munna Tiwari

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Mohd. Azhar Husain Idrisi,J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the State.
2. The instant writ petition seeks quashing of the FIR dated 23.10.2023 giving rise to Case Crime No.0297 of 2023, under Sections 304A I.P.C. and 15(3) of Indian Medical Council Act, Police Station- Uska Bazar, District- Siddharth Nagar.
3. The contention of learned counsel for the petitioner is that the name of the petitioner is mentioned in the last line of the first information report and not in the earlier part thereof.
4. The petitioner has been imputed with the offence of having performed a surgery which resulted in the death of the first informant's daughter.
5. Upon hearing learned counsel for the parties and upon a perusal of the record, we find that the submissions made on behalf of the petitioner are his defence, which cannot be looked into while dealing with a writ petition seeking quashing of a first information report.
6. Moreover, the allegations made in the First Information Report clearly disclose commission of cognizable offences and the allegations are serious in nature. Therefore, prayer of the petitioner to quash the First Information Report is completely misconceived and is rejected.
7. The writ petition is therefore dismissed, without prejudice to the right of the petitioner to apply for bail/anticipatory bail.

Order Date :- 7.12.2023

Aditya Tripathi