

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 1244 of 2022

Petitioner :- Prashant Tiwari

Respondent :- State Of U.P. Thru. Prin.Secy. Dept. Of Home Govt. Of U.P. Civil Sectr. Lko. And Ors

Counsel for Petitioner :- Bajhul Quamar Siddiqui

Counsel for Respondent :- G.A.

with

Case :- CRIMINAL MISC. WRIT PETITION No. - 1130 of 2022

Petitioner :- Satya Kumar Singh And Anr.

Respondent :- State Of U.P Thru. Prin. Secy. Home And Others

Counsel for Petitioner :- Afaq Zaki Khan

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard Shri Bajhul Quamar Siddiqui, learned counsel for petitioner in Criminal Misc. Writ Petition No.1244 of 2022 and Shri Afaq Zaki Khan, learned counsel for the petitioners in Criminal Misc. Writ Petition No.1130 of 2022 and learned AGA for State-respondents.

Learned AGA has produced instructions sent by Inspector, Crime Branch, Lucknow dated 05.12.2023 and the same is taken on record and it covers both the writ petitions. On the basis of said instructions he states that FIR was lodged against Prashant Tiwari, Satya Kumar Singh and Arvind Kumar Chaurasiya alleging that they had forged their marksheets from the University concerned. During the course of investigation, it has been found that Guru Govind Singh Tricentenary University (S.G.T.) Gurgaon, Haryana and Baba Mastnath University Asthal Bohar, Rohtak, Haryana have indicated through their letters that the accused never applied nor studied in the said university and the enrollment number mentioned in their marksheet has no concern with the said university or the college affiliated to it.

The apparent reason given is that while applying with the forged marksheet the accused wanted their registration from the Pharmacy Council of India to get employed as pharmacists in

various jobs/ businesses. There were 136 initially named accused. During the course of investigation 71 names have been added and a total of 209 such persons are now accused against whom investigation is still going on.

Learned counsel for the petitioner- Prashant Tiwari states that the petitioner has been falsely implicated in the impugned FIR. In paragraph 8 and 9 of the writ petition he has specifically stated that he is neither the holder of the degree of B.Pharm or D.Pharm and is involved in the business of water supply since long. He has done graduation in Arts subject and is B.A. He is neither interested nor has done any course of B.Pharm or D.Pharm and is not interested also in working as Pharmacist while leaving his growing business of water supply.

Learned counsel for the petitioners- Satya Kumar Singh and Arvind Kumar Chaurasiya has pointed out paragraph no.6 to the writ petition, wherein it is stated that petitioners are farmers and they have never applied for B.Pharm or D.Pharm course and their names have been falsely mentioned in the impugned FIR, since they had not applied for registration with the Pharmacy Council of India, they do not have any information as to how Pharmacy Council of India got hold of their alleged forged degrees and lodged the impugned FIR against them.

All the arguments that have been raised by learned counsel for petitioners in both the writ petitions relate to evidence that has to be evaluated by the trial Court. This Court while sitting in writ jurisdiction, wherein prayer has been made for quashing of the FIR, finds sufficient evidence has been collected against the petitioners and therefore, does not find any good ground to show interference as prayed in either of the writ petition.

Both the writ petitions are accordingly **dismissed**.

Order Date :- 8.12.2023

Arnima