

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9339 of 2023

Petitioner :- Ram Kishor Verma And Another

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

Counsel for Petitioner :- Suresh Kumar Yadav

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

(1) Heard the learned counsel for the petitioners and the learned A.G.A. who appears for the Opposite party nos.1 & 2.

(2) This petition has been filed by the petitioners for the following main prayer:-

"1) Issue a writ, order or direction in the nature of Certiorari quashing the impugned First Information Report dated 17.08.2023 bearing Case Crime No.310/2023, under Sections 419, 420 of I.P.C. and Section 15 (2) of Indian Medical Council Act, lodged at Police Station Haidergah, District Barabanki."

(3) It has been submitted by the learned counsel for the petitioners that the petitioners have been falsely implicated in the impugned F.I.R. He also says that all the sections invoked against the petitioners carry a punishment upto 7 years and therefore, they are entitled to get the benefit of the judgment rendered by Hon'ble the Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273.**

(4) We have gone through the F.I.R. and finds from the same that the petitioners were running a Hospital without any registration and the same was being conducted alongwith the help of several Officers of the Medical and Health Department.

(5) The petitioners have not mentioned anywhere in the writ petition that they have M.B.B.S. Degree and they got their hospital registered. We cannot allow the petitioners to fool the ordinary public and play with their lives.

(6) This Court has perused the F.I.R. and finds that cognizable offence is made out against the petitioners, hence, no interference is required in the matter.

(7) The writ petition stands ***dismissed***.

Order Date :- 11.12.2023

N.PAL