

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9838 of 2023

Petitioner :- Arvind Kumar

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

Counsel for Petitioner :- Adarsh Kumar
Maurya, Alka Rani, Geeta Shakya, Rupali
Srivastava, Shubham Yadav

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Karunesh Singh Pawar, J.

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

This petition has been filed with the following main prayer:-

"Issue a writ, order or direction in the nature of Certiorari thereby quashing the impugned F.I.R. in Case Crime No.303 of 2023 under Section 304 of the I.P.C. and Section 15 of the Indian Medical Council Act, P.S. Pasgawan, District Lakhimpur Kheri."

It has been submitted by learned counsel for the petitioner that the petitioner has been given diploma by All India Skill For Vocational and Paramedical Science, a Trust registered under the Trust Act and under the Ministry of Skill Development and Entrepreneurship, Government of India, for giving education in Community Medical Service & Essential Drugs (CMS & ED). The petitioner is working in the village more in the nature of Compounder. He went to the house of his friend on his request because his friend's mother was ill and he was asked to administer one injection to her. The petitioner administered the injection and thereafter the mother of the friend died and the father of the friend, the respondent no.4 has lodged the impugned F.I.R. alleging that the petitioner had taken out two injections from his own bag and loaded both of them in a single syringe and administered them to the deceased.

Learned counsel for the petitioner says that the

post-mortem report of the deceased has been filed as annexure to the petition. There is no ante-mortem injury. The cause of death could not be ascertained, hence viscera has been preserved.

It has been submitted by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the impugned F.I.R.

After having examined the submissions advanced by learned counsel for the parties and perused the impugned F.I.R, we are of the opinion that, *prima facie*, the impugned F.I.R. discloses cognizable offence to have committed by the petitioner, hence, no interference is called for by this Court in its extraordinary power under Article 226 of the Constitution of India for quashing of the F.I.R. or for grant of any interim relief to the petitioner and accordingly, the present writ petition is ***dismissed***.

Order Date :- 22.12.2023
Rahul