

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11613 of 2024

Applicant :- Dr.Upika Pandey @ Upika Mishra

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt.
Govt. Lko. And Another

Counsel for Applicant :- Prashansa Singh

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Heard Ms. Prashansa Singh, learned counsel for the applicant, learned A.G.A. for the State of U.P. and perused the record.

The instant application has been preferred for the following main relief:-

"to set-aside/quash the entire proceedings of Case No. 14932/2023 (State of U.P. Versus Upika Mishra) arising out of impugned charge-sheet No. A-275/2022, dated 13.12.2022 filed by the investigating officer against the applicant/petitioner in Case Crime/F.I.R. No. 0328/2022, Under Section-15 (3) of Indian Medical Council Act pertaining to Police Station-Baskhari, District-Ambedkar Nagar as well as impugned cognizance/summoning order dated 03.11.2023 passed by the court of learned Chief Judicial Magistrate, Ambedkar Nagar by which the applicant/petitioner has been summoned for facing of trial under the aforesaid sections, as contained in Annexure No. 2 & 3 respectively to this petition, in the interest of justice."

The relief, quoted above, has been sought on the ground based upon inspection report annexed at page-51 of the paper-book. According to this report the premises related to the applicant was inspected on 27.09.2022. In this premises the diagnostic center of the applicant was in operation in terms of license issued by Deputy Chief Medical Officer, Tanda, Faizabad (now Ayodhya) with effect from 16.02.2004 to 15.02.2009. Whereas according to the FIR in issue, the basis of pending criminal proceedings, the premises subsequently was inspected on 05.11.2022 and the inspection team found that diagnostic center which belongs to the applicant was operational.

Considering these facts, this Court finds no force in the present application.

It is, accordingly, rejected.

It is open for the applicant to seek discharge, if charge, till date, has not been framed.

Order Date :- 18.12.2024/Mohit Singh/-