



2025:AHC:175746

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 38033 of 2025

Mahir Abbas Naqvi

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anil Kumar Singh Bishen
Counsel for Opposite Party(s)	:	G.A.

Court No. - 77

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard learned counsel for the parties.

2. Present application has been preferred with prayer to quash charge sheet no. 147 of 2023 dated 21.7.2023 as well as cognizance/summoning order dated 16.11.2023 in Case no. 5481 of 2023 (State vs. Dr. Mahir Abbas Naqvi and others) arising out of Case Crime no. 159 of 2023 under sections 420 IPC and sections 15(2), 15(3) of Indian Medical Council Act, 1956, PS-Hajrat Nagar Garhi, District Sambhal. Further prayer has been made to stay the proceeding of Case no. 5481 of 2023.

3. While challenging the entire proceeding of said case along with charge sheet and cognizance/summoning order, learned counsel for applicant has submitted that Indian Medical Council Act, 1956 has already been repealed on 25.9.2020 and replaced by National Medical Commission Act, 2019 in spite of that, FIR was lodged on 13.7.2023 in the repealed Act wherein charge sheet was also submitted on dated 21.7.2023 in the repealed Act and more so, learned court concerned also took cognizance of offence under the repealed Act on dated 16.11.2023 and once any specific Act has been repealed, the process for continuing the prosecution against the applicant become redundant.

4. Per contra, learned AGA has vehemently opposed the prayer as made in the application but did not dispute the legal grounds as raised by learned counsel for the applicant.

5. After having the rival submissions extended by learned counsel for the parties and perusal of the material available on record, this Court finds that the legal arguments which have been raised by learned counsel for applicant, seems to be justified since Indian Medical Council Act, 1956 wherein cognizance of offence has been taken, has already been repealed on 25.9.2020 and replaced by National Medical Commission Act, 2019. To elaborate further Section 60 of National Medical Commission Act, 2019 is reproduced herein below:

"Section 60 - (1) With effect from such date as the Central Government may appoint in this behalf, the Indian Medical Council Act, 1956 (102 of 1956) shall stand repealed and the Medical Council of India constituted under sub-section (1) of section 3 of the said Act shall stand dissolved."

6. It is abundantly clear from the foregoing provision that, any action or cognizance taken under the repealed Act of 1956 is indeed void. Insofar as attraction of section 420 IPC is concerned, the same has been fastened upon the applicant in connection with the offence of said Special Act.

7. In view of aforesaid discussion, impugned charge sheet dated 21.7.2023 as well as cognizance/summoning order dated 16.11.2023 and entire proceeding of Case no. 5481 of 2023 (State vs. Dr. Mahir Abbas Naqvi and others) arising out of Case Crime no. 159 of 2023 under sections 420 IPC and sections 15(2), 15(3) of Indian Medical Council Act, 1956, PS- Hajrat Nagar Garhi, District Sambhal are hereby **quashed** only in respect of applicant herein.

8. The instant application stands **allowed**, accordingly.

9. However, it is made clear that this order shall not preclude the competent authorities to re-initiate the matter against the applicant, if so required, in strict consonance of the procedure as discussed above.

(Saurabh Srivastava,J.)

September 26, 2025

Shaswat