



2025:0004-1 K03:26h 1:54

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 9580 of 2025

Amit Gautam

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And
Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Abhishek Singh, Anuj Kumar Gupta,
Shradha
Counsel for Opposite Party(s) : G.A.

Court No. - 14

HON'BLE RAJEEV SINGH, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. The present application is filed with the prayer to quash the impugned sheet bearing No.01 dated 11.12.2021 under Sections 409, 420, 467, 468 I.P.C. arising out of F.I.R. No.82 of 2021, Police Station - P.G.I., District - Lucknow.
3. Learned counsel for the applicant submits that applicant was appointed in Sanjay Gandhi Postgraduate Institute of Medical Sciences, Lucknow through outsourcing and he was implicated in the present case only to save the regular employees of the Hospital. He further submits that prosecution case is that on the basis of forged documents, medicines were being obtained from the H.R.F. Pharmacy of P.G.I. and same were sold out in the open market at higher price only to get the financial benefit. He also submits that applicant was not named in the F.I.R. and during the course of investigation, his involvement is found on the basis of statement of other co-accused persons, however, there is no credible evidence against the applicant, therefore, impugned proceedings may be quashed.
4. In pursuance of earlier order, Investigating Officer of the present case is present before this Court and informs that father of the applicant was a regular employee in the Sanjay Gandhi Postgraduate Institute of Medical Sciences, Lucknow and applicant was appointed as outsourced employee

and his involvement was found in the statements of several witnesses and involvement. He also stated that Sanjay Gandhi Postgraduate Institute of Medical Sciences, Lucknow is a prestigious medical institution of North India and on the basis of fabricated documents, medicines were obtained by the applicant in the name of patients, those were to be provided to the patients who need financial assistance from the Government in different schemes but the said medicines were being sold out in the open market at higher prices.

5. Learned A.G.A. opposes the prayer of the applicant and submits that sufficient evidences are found against the applicant. He also relies on the decision of this Court in the case of **C.B.I. Vs. Aryan Singh** reported in **2023 SCC Online SC 379** and submits that the evidence collected by the Investigating Officer cannot be examined at this stage in the form of mini trial.

6. Considering the submissions of learned counsel for the parties, going through the contents of the application as well as other relevant documents, case of the prosecution is that the medicines from the Pharmacy of Sanjay Gandhi Postgraduate Institute of Medical Sciences, Lucknow was being obtained by the applicant alongwith other accused persons in the name of patients those were to be provided to the patients of different schemes run by the State Government and sold out the same in the market on higher prices. In the statement of the witnesses including Dr. Anshul Gupta, Assistant Professor of Hematology Department, S.G.P.G.I., Lucknow involvement of the applicant is shown, therefore, this Court is of the view that evidences of the collected by the Investigating Officer cannot be examined at this stage in the form of mini trial. In such circumstances, the present application is misconceived and same is hereby **dismissed**.

(Rajeev Singh,J.)

December 17, 2025

GauraV/-