

Court No. - 48

Case :- CRIMINAL MISC. WRIT PETITION No. - 18038 of 2022

Petitioner :- Dr.G.K.Singh (Gyanendra Kumar Singh)

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Vindhyachal Singh, Pramod Kumar Pandey

Counsel for Respondent :- G.A.

Hon'ble Suneet Kumar,J.

Hon'ble Narendra Kumar Johari,J.

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

This writ petition has been filed with the prayer to quash the First Information Report dated 14.04.2022 registered as Case Crime No. 323 of 2022, under Sections 279, 504 I.P.C., at Police Station Baghpat, District Baghpat. Further prayer has been made not to arrest the petitioner in the aforesaid case.

Petitioner is a medical practitioner. Allegation in the FIR pertains to defective/faulty treatment. It is urged that the Chief Medical Officer, Baghpat has expressed an opinion that there was no negligence. In this backdrop, reliance has been placed on the decision of Supreme Court rendered in ***Jacob Mathew v. State of Punjab***, reported in (2005) 6 SCC 1.

Matter requires consideration.

Issue notice to respondent no. 3.

Steps be taken within a week by ordinary process as well as by registered post.

All the respondents may file counter affidavit within four weeks. Petitioners shall have two weeks, thereafter, to file rejoinder affidavit.

List thereafter.

Considering the facts and circumstances of the case as briefly discussed above, as an interim measure, till the next date of listing the petitioner shall not be arrested pursuant to the impugned first information report, provided they cooperate in the investigation.

Order Date :- 28.11.2022

Mukesh Kr.