HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 482 No. - 44276 of 2024

Sunil Kushvaha

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ram Bali Ram, Santosh Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 76

HON'BLE SANJAY KUMAR PACHORI, J.

Heard Shri Ram Bali Ram, learned counsel for the applicant and Sri A.K. Singh, learned A.G.A. for the State.

The present application under Section 482 of the Cr.P.C. has been filed to quash the entire proceedings of Criminal Case No. 16148 of 2023, arising out of Case Crime No. 215 of 2022, under Sections 419, 420 of I.P.C. and Section 15(3) of Indian Medical Council Act, Police Station- Jangipur, District- Ghazipur, as well as cognizance/ summoning order dated 10.08.2023 pending in the Court of Chief Judicial Magistrate, Ghazipur.

Learned counsel for the applicant submit that the first information report dated 31.10.2022 has been lodged on the basis of false and frivolous allegations with ulterior motive and only to harass the present applicant. It is further submitted that the Indian Medical Council Act, has been repealed by Section 60(1) of National Medical Commission Act, 2019. It is further submitted that cognizance order has been passed without applying judicial mind.

Prima facie, matter requires consideration.

Notice on behalf of opposite party no. 1 has been accepted by learned A.G.A.

Issue notice to opposite party no. 2 returnable at an early date.

Learned A.G.A. as well as learned counsel for the opposite party no. 2 may file counter affidavit within two weeks. Rejoinder affidavit may be filed

within one week thereafter.

List after eight weeks.

Until further orders of this Court, further proceedings of the aforesaid case, shall remain stayed against the applicant.

March 31, 2026
Ishan

(Sanjay Kumar Pachori,J.)

Digitally signed by :-
ISHAN JAISWAL
High Court of Judicature at Allahabad