

Case :- CRIMINAL MISC. WRIT PETITION No. - 3543 of 2021

Petitioner :- Dr. Hargovind Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Romeshwari Prasad, Kaushalendra Nath Singh

Counsel for Respondent :- G.A.

Hon'ble Dr. Kaushal Jayendra Thaker, J.

Hon'ble Ajit Singh, J.

This writ petition has been filed with prayer for the following reliefs:-

"I. Issue a writ, order or direction in the nature of Certiorari to quash the impugned First Information Report dated 26.12.2020 registered as Case Crime No. 0763 of 2020 U/s 120-B, 420, 465, 467, 468, 471 IPC at Police Station - Kotwali, Khalilabad, District - Sant Kabir Nagar, so far it relates to the petitioner, in the interest of justice (Annexure No. 1 to this writ petition).

II. Issue a writ, order or direction in the nature of Mandamus to direct the respondent No. 2 and 3 not to arrest the petitioner, till the submission of the charge sheet in First Information Report dated 26.12.2020 Case Crime No. 0763 of 2020 U/s 120-B, 420, 465, 467, 468, 471 IPC at Police Station - Kotwali, Khalilabad, District - Sant Kabir Nagar, so far it relates to the petitioner.

III. To issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the aforesaid facts and circumstances of this case.

IV. To award the cost of the petition in favour of the petitioner."

We are hearing learned counsel Shri Kaushalendra Nath Singh appearing for petitioner Dr. Hargovind Singh, who is Chief Medical Officer and is running vaccination services during this pandemic of Covid-19. It is sought to be contended by the learned counsel that the petitioner has been made victim of criminal proceedings arising out of the impugned FIR which itself was lodged under judicial order without knowing much about the genuineness of the medical certificate issued by the petitioner.

We are sorry to record it. Can we say that the insensitive judicial officer who has directed for lodgement of this First Information Report which is in the teeth of it can not stand to the judicial scrutiny of this Court? Even if we do not mention

here that the Registrar General had already issued directions to all the judicial officers throughout the State of Uttar Pradesh for not insisting on personal appearance of the accused or parties in the wake of Covid-19 pandemic, still the accused M.L.A. was summoned but he sent a report that he had tested corona positive, which was not relied upon by the Trial Judge and considering that report to be false without any basis, instead ordered for registering an FIR against the petitioner/Chief Medical Officer. As per the assertion of the learned advocate it is further sought to be contended that the petitioner/CMO was not the treating doctor; he had only given the certificate to the accused M.L.A. and the report is on the website of the U.P. Government which could have been very well verified by the learned judge.

In this view of the matter we stay the proceedings of Case Crime No. 0763 of 2020 under Sections 120-B, 420, 465, 467, 468, 471 IPC, PS - Kotwali, Khalilabad, District - Sant Kabir Nagar arising out of impugned First Information Report dated 26.12.2020 during this pandemic.

We request the learned Registrar General of this Court to remind the concerned judicial officer to abide by the guidelines of this High Court on Covid-19 pandemic in passing such orders in future. Further, the learned Registrar General of this Court shall communicate to all the judges of the District Courts throughout the State of U.P. to be more careful during this pandemic and restrain themselves from passing such orders which may bring disrepute to the judicial system in the State more particularly during this ongoing period of pandemic.

We have heard Shri N.K. Srivastava appearing for the State and we request Mr. Srivastava to obtain instructions from the State for filing reply.

As we have stayed the investigation of Case Crime No. 0763 of 2020 under Sections 120-B, 420, 465, 467, 468, 471 IPC, PS - Kotwali, Khalilabad, District - Sant Kabir Nagar in the case of the present petitioner namely Dr. Hargovind, we even go a step further that the other co-accused of this case need not be coercively dealt with as we do not want multiplicity of proceedings in the High Court during the pandemic.

As we have already stayed the proceedings, the petitioner Dr. Hargovind shall not be coercively dealt with and shall not be arrested during this interregnum period in Case Crime No. 0763 of 2020 under Sections 120-B, 420, 465, 467, 468, 471 IPC, PS - Kotwali, Khalilabad, District - Sant Kabir Nagar arising out of impugned First Information Report dated

26.12.2020.

List in the month of July, 2021 more particularly 1st of July, 2021.

Order Date :- 11.5.2021

LBV