

Applicant :- Ashok Kumar Gautam

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Shiv Babu Verma, Ashwini Kumar

Awasthi, Manish Tiwary (Senior Adv.), Suneel Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Dr. Yogendra Kumar Srivastava, J.

Heard Sri Manish Tiwary, learned Senior Counsel assisted by Sri Shiv Babu Verma, learned counsel for the applicant and Ms. Sushma Soni, learned A.G.A. for the State-opposite party.

The present application under Section 482 Cr.P.C. has been filed seeking to quash the charge-sheet dated 31.10.2020 as well as summoning order dated 20.1.2021 and entire proceedings of case no. 937 of 2021 (State Vs. Ashok Kumar Gautam) arising out of Case Crime No. 0361 of 2020 under Sections 504, 507 I.P.C., Section 66,67-a of Information Technology Act and Section 4 of the Uttar Pradesh Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Act, Police Station Nauchandi, District Meerut pending in the court of Additional Chief Judicial Magistrate-Ist Meerut.

Contention of learned Senior Counsel is that the present proceedings have been initiated pursuant to an F.I.R. dated 25.7.2020 containing allegations which primarily relate to a facebook post which is essentially an expression of anguish of the applicant due to the death of his wife during the course of her medical treatment. It is pointed out that the applicant has submitted a complaint with regard to the matter relating to the death of his wife during the course of her medical treatment to the Chief Medical Officer, District Meerut on 21.9.2020. Submission is that the entire proceedings are malicious and only with a view to cause harassment to the applicant.

Prima facie, matter requires consideration.

Issue notice to opposite party no.2 returnable by 1st September, 2021.

Opposite parties may file their counter affidavits within four weeks. Rejoinder affidavit may be filed within two weeks thereafter.

Let the matter appear in the additional cause list on 1st September, 2021.

Till the next date of listing, further proceedings, in Case No. 937 of 2021 (State Vs. Ashok Kumar Gautam) arising out of Case Crime No. 0361 of 2020 under Sections 504, 507 I.P.C.,Section 66,67-a of Information Technology Act and Section 4 of the Uttar Pradesh Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Act, Police Station Nauchandi, District Meerut pending in the court of Additional Chief Judicial Magistrate-Ist Meerut, shall remain stayed.

Order Date :- 20.7.2021

Pratima

(Dr.Y.K.Srivastava,J.)