

**Court No. - 43**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 3984 of 2020

**Petitioner :-** Anil Gopal And Another

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

**Counsel for Petitioner :-** Aklank Kumar Jain

**Counsel for Respondent :-** G.A.

**Hon'ble Pankaj Naqvi,J.**

**Hon'ble Saurabh Shyam Shamshery,J.**

Heard Sri Aklank Kumar Jain, learned counsel for petitioners and Dr. S.B. Maurya, the learned A.G.A.

This writ petition has been filed, seeking a writ of mandamus, directing the respondent concerned, not to arrest the petitioners, with a further prayer for quashing the impugned F.I.R. dated 30.01.2020 which is registered as Case Crime No.0062 of 2020, under Sections 467, 468, 471, 420, 323, 504, 506, 34 I.P.C. Section 15(2) of the Indian Medical Council Act, 1958, Police Station Hapur Nagar, District Hapur.

It is submitted by learned counsel for the petitioners that petitioners are life members of a society, out of whom petitioner no.1 approached this Court in Writ C No.42414 of 2019 and obtained an order on 19.12.2019 directing the District Magistrate, Hapur to look into the grievance of the petitioner therein in the light of his representation regarding holding of elections of the society namely Sri Ram Leela Samiti, District Hapur, being infuriated with the above order the informant lodged the impugned F.I.R. alleging embezzlement and defalcation for the period 2004-2016 whereas F.I.R. was lodged in the year 2020, coupled with the fact that it was also alleged in the F.I.R. that petitioner no.1 is running a medical shop unauthorizedly whereas petitioner no.1 held the valid license (Page-55) which expired on 17.01.2019, followed by the deposit for renewal made by petitioner no.1.

Learned A.G.A. opposed the prayer for quashing of the F.I.R. which discloses cognizable offences, he submits that mere deposit of renewal fee would not amount to renewal of license.

After having heard learned counsel for the parties and perusing the impugned FIR as well as the other material brought on record, it cannot be said that prima facie no offence is made out against the petitioners. Therefore, the prayer for quashing the F.I.R. is refused.

However, we dispose of this writ petition with the direction that investigation of the aforesaid case shall go on but the petitioners shall not be arrested in the aforesaid case till the submission of police report under Section 173(2) Cr.P.C., subject to their cooperation during investigation.

With this direction, this petition is finally **disposed of**.

**Order Date :- 4.3.2020**

Ashok Gupta