

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.19361 of 2015

and

MP.No.1 of 2015

M.Nagarajan

... Petitioner/Accused

Vs

1.State through Sub Inspector of Police,
Kondaladampatty Police Station,
Salem.

... 1st Respondent/Complainant

2.K.N.Rajasekaran,
Sub Inspector of Police,
Kondaladampatty Police Station,
Salem.

... 2nd Respondent/Defacto
Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records of the 1st respondent/complainant in connection with the FIR in Cr.No.792 of 2014 dated 27.12.2014 under Section 15[3] of the Indian Medical Council Act, 1956 against the petitioner/accused pending on the file of the 1st respondent/complainant police and quash the same.

For Petitioner : Mr.M.Ramamoorthi

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

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O R D E R

This petition has been filed to quash the FIR in Crime No.792 of 2014 on the file of the 1st respondent.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondents and perused the materials placed on record.

3. It is seen that the respondent police inspected the place of the accused, accompanied by a Government Doctor and it was found that the petitioner was dispensing Allopathy medicines to public and that, he was not a qualified Physician.

4. Learned counsel for the petitioner submitted that the petitioner is a practitioner of alternative medicines and that, the case has been foisted against him.

5. Be that as it may, the FIR discloses the recovery of syringes and other Allopathy medicines from the premises of the petitioner and the investigation is at very early stage. When there is a prima facie material, the FIR cannot be quashed as held by the Hon'ble Supreme Court in State of Haryana Vs Bhajan Lal 1992 Supp [1] SCC 335.

In view of the above, this petition is devoid of merits and dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

gya

To

1.Sub Inspector of Police,
Kondaladampatty Police Station,
Salem.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Ramamoorthi, Advocate, S.R.No.15076(10.09.2015)

KM(CO)
CA(18/08/2015)

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