

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2015

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.O.P.No.6208 of 2013

M.P.No.1 of 2013

L.Murugesan

... Petitioner

Vs

The Inspector of Police,
Kavindapadi Police Station,
Erode District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., seeking to quash the F.I.R.No.391 of 2012, dated 11.11.2012, on the file of the respondent-Police.

For Petitioner	: Mr.D.Balachandran
	Mrs.S.Meenakumari
For Respondent	: Mr.C.Emalias,
	Government Advocate (Crl.Side)

O R D E R

Heard the learned counsel for the parties and perused the materials available on record.

2. A suo-motu FIR was registered by the Inspector of Police, Kavindapadi Police Station, Erode District, in Cr.No.391 of 2012, on 11.11.2012 at 10.00 Hours, for the offences, under Sections 417, 420 IPC., r/w. 15(2) and 15(3) of the Indian Medical Council Act, 1956, against the petitioner, on the premise that he has not a qualified Doctor, to prescribe medicines in Allopathy.

3. Learned counsel for the petitioner submitted that the petitioner is a pharmacist and not a Doctor. In support of the above, she has produced a Pharmacist Registration Certificate, dated 21st August, 1993, issued in favour of the petitioner.

4. Per contra, the respondent-Police has filed a counter affidavit, wherein, at Paragraphs 5 and 6, it is stated as follows:

"5. It is submitted that I deny all the allegations made by the petitioner in his petition against the respondent police are all not true and baseless. The respondent Police while inspecting the petitioner's house

and collected the medicine certificate from the petitioner's house and sent the same to Indian Medical Council for comparison and came to know that the petitioner/accused is not at all a registered medical practitioner for Allopathy and Siddha Medicine.

6. It is submitted that we have conducted the investigation in a fair, free and impartial manner in accordance with law. All the mandatory provisions have been complied by the respondent police during the course of the investigation. The respondent Police registered the case, and seized some medicine and certificate and sent the seized medicine for chemical analysis and the certificate also verified by the Indian Medical Council that he is not at all a registered medical practitioner for Allopathy and Siddha Medicine. The chemical analysis report is yet to be awaited. Only after the receipt of the above, the respondent police laid a charge sheet in accordance with law. Now, the petitioner/accused filed this petition, only in order to drag on all further proceedings. If the stay is granted to the petitioner/accused, the prosecution will be handicapped. Hence, there is no necessity at this stage, to stay/quash the FIR No.391 of 2012, as prayed by the petitioner in his petition."

5. In addition to the above, learned Additional Public Prosecutor, also produced Mahazar, for recovery of allopathy medicines, from the premises of the petitioner.

6. In view of the overall materials, this is not a fit case to quash the FIR. In such circumstances, this petition is dismissed, with a direction to the respondent-Police to file a final report, as expeditiously, within a period of four weeks from the date of receipt of copy of this order, provided the final report has not been filed, as of now. No costs. Consequently, connected Miscellaneous Petition is also closed.

skm

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Kavindapadi Police Station,
Erode District.

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.D.Balachandran, Advocate SR 36555

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