

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.17180 of 2010
and M.P.No.1 of 2010

A.Elayakumar .. Petitioner
vs.

State rep by
The Inspector of Police
Kunnam Police Station
Perambalur District. ... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the FIR in Cr.No.150 of 2010 on the file of the respondent police, so far as the petitioner is concerned and quash the same.

For petitioner : Mr.S.Kumaradevan
For respondent : Mr.C.Emalias,
Additional Public Prosecutor

RESERVED ON	PRONOUNCED ON
28.09.2016	21.10.2016

O R D E R

This petition has been filed to call for the records relating to the FIR in Cr.No.150 of 2010 on the file of the respondent police, so far as the petitioner is concerned and quash the same.

2. On the complaint lodged by Dr.Ramesh, Government Doctor, Primary Health Centre, Kalpadi, the respondent police have registered a case in Cr.No.150 of 2010 on 15.05.2010 against the petitioner for offence u/s 120 IPC r/w 15(2) of the Indian Medical Council Act, 1956, challenging which the petitioner is before this Court.

3. It is the case of the prosecution that on the orders of the District Collector, a team of officials, including the Block Development Officer and the Medical Officer attached to the Primary Health Centre, Kalpadi, inspected the premises of the petitioner and found that he was administering allopathy drugs to local people. They also enquired one Marimuthu and Valarmathi, who told the team that the petitioner had even

administered intravenous injection to their sister. It is alleged that the petitioner is not a qualified medical practitioner and hence, the complaint.

4. Learned counsel for the petitioner contended that the petitioner's niece, Dr.Nallilanthendral is a qualified medical practitioner and that the petitioner had only come to get treatment from her and that he has been falsely implicated in the case.

5. In the considered opinion of this Court, disputed questions of fact cannot be gone into in a quash petition under Section 482 Cr.P.C. When the FIR prima facie discloses the commission of a cognizable offence, the same cannot be quashed, in the light of the law laid down by the Supreme Court in State of Haryana v. Bhajan Lal [AIR 1992 SC 604].

In view of the above, this petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Inspector of Police
Kunnam Police Station
Perambalur District.

2.The Public Prosecutor
High Court, Madras 600 104.

+ 1 cc to S. Kumaradevan, Advocate Sr.60380

CTR(CO)
EU 30.11.16

Cr1.O.P.No.17180 of 2010

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