



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

CRL OP(MD)No.11322 of 2017 and
CRL MP(MD)No.7776 of 2017

V.Jeyakodi : Petitioner/Sole Accused

Vs.

1. State Rep by
The Inspector of Police,
Sedapatti Police Station,
Madurai District,
(Crime No.141 of 2017)

: 1st Respondent/Complainant

2. Dr.Viswanath Prabhu,
Block Medical Officer,
Sedapatti,
Madurai District.

: 2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records in Crime No.141 of 2017 dated 13.07.2017, on the file of the 1st respondent herein and quash the FIR as for as the petitioner herein.

For Petitioner : Mr.A.Anandaraj

For Respondents : Mr.K.Anbarasan,
Government Advocate(Crl.Side).

O R D E R

This Criminal Original Petition is filed to call for the records in Crime No.141 of 2017, dated 13.07.2017, on the file of the 1st respondent herein and quash the FIR as for as the petitioner herein.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the respondents.



3. This petition is to quash the First Information Report in Crime No.141 of 2017. It is admitted that the first respondent has registered the case in Crime No.141 of 2017 against the petitioner for the offences punishable under Sections 419, 420 of IPC and 15(3) of Indian Medical Council Act, 1956, on the basis of the complaint lodged by the 2nd respondent, who is the Government Medical Officer. The complaint that was preferred by the team of officials to the first respondent Police clearly disclose that the petitioner is practising medicine and prescribing individual medicines, as if she is a Doctor holding valid Degree to practise Allopathy. Hence, the complaint clearly disclosed the offence for which the case is registered in Crime No.141 of 2017.

4. The contention of the petitioner is that he is only practising different form of medicine and started health service centre in the name of Dharsan Village Health Centre in the guidance of leading Doctor, who is also the consultant of UNICEF. It is further submitted that the petitioner is running the Health service centre only with some other Doctors, who are qualified to practise and that the inspection was conducted, at a time the Doctor in charge of Health Service Centre was away from the place. In the circumstances, it was submitted by the learned counsel appearing for the petitioner that the registration of the case as against the petitioner is false.

5. The contention of the petitioner that the petitioner has not involved in any offence and that she has been falsely implicated in this case cannot be believed. As per the complaint, the petitioner has committed the offence. The averments in the complaint clearly disclose the cognizable offence. The petitioner challenges the registration of the case on facts, which are matters for evidence. It is open to him to defend his criminal case at the time of trial. This Court will not conduct an enquiry on disputed facts.

6. In the circumstances, this Court is not inclined to entertain this petition. Accordingly, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
 Suburban Police Station,
 Madurai District.



2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.A.Anandaraj , Advocate in SR.No. 75691

trp

AE/SV MMS/SAR1/11.09.2017/3P/4C

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