



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE S.S. SUNDARCRL.OP.(MD) No.13183 of 2017andCRL.M.P.(MD) No.8894 of 2017

Malegul Farook

... Petitioner / Petitioner

Vs.

1. The State represented by
The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
(in Crime No.123 of 2010)

... 1st Respondent / Complainant

2.Sahayam

... 2nd Respondent / Defacto
Complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the proceedings in Cr.No.123 of 2010 on the file of the 1st respondent and quash the same.

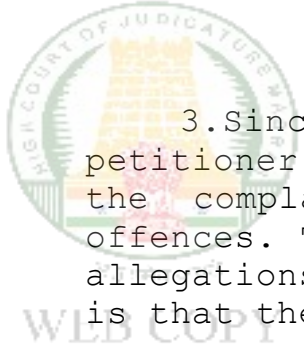
For Petitioner
For R1

: Mr.T.Selvan
: Mr.K.S.Durai Pandian
Additional Public Prosecutor

ORDER

The Criminal Original Petition is filed to quash the proceedings in Cr.No.123 of 2010 on the file of the 1st respondent.

2.The petitioner states that he is a registered medical practitioner under RIMP. A complaint has been lodged as against the petitioner in Cr.No.123 of 2010 for the alleged offences under Sections 417, 419, 420 and 336 IPC r/w Section 15(II)(B) of Indian Medical Council Act, 1959. The nature of the complaint is that the petitioner treated the de-facto complainant by giving tablet and administering injection. Thereafter, it is stated that the de-facto complainant developed some complications and as a result, he was admitted in a private hospital. It is further stated that long after the treatment, the de-facto complainant came to know that the petitioner is not qualified to practice Allopathy / English



3. Since there are some specific allegations that the petitioner was practicing English Medicine without qualification, the complaint makes out a *prima facie* case for cognizable offences. The petitioner has filed the quash petition, denying the allegations made in the First Information Report. The other ground is that the charge sheet is not filed within three years.

4. When the charge sheet is filed with a delay, it is open to the lower Court to condone such delay by extending the time. In such circumstances, absolutely there is no legal ground to entertain this petition. Hence this criminal original petition is dismissed. The petitioner is at liberty to raise all his grounds at the time of trial. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.

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

+ 1 CC TO MR.T.Selvam, ADVOCATE IN SR No.83407
cmr

MK/JC/SAR-3/08.11.2017/2P/4C

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