



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P (MD) .No.15043 of 2017 and

Crl.M.P (MD) .No.10010 of 2017

WEB COPY

S.Sivakumar

: Petitioner

-Vs-

1.State through
The Inspector of Police,
Uthumalai Police Station,
Thirunelveli District.

2.Dr.Elangovan

: Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code to call for the records pertaining to the case in Crime No.183 of 2017 on the file of the 1st respondent Police herein and quash the same as against the petitioner.

For Petitioner : Mr.P. Subbiah

For Respondent No.1 : Mr.C. Mayilvahana Rajendran
Additional Public Prosecutor

O R D E R

This petition is to quash the First Information Report in Crime No.183 of 2017, on the file of the first respondent Police.

2. The petitioner states that he is a qualified Allopathy Medical practitioner and retired Civil Surgeon. It is the case, of the petitioner that he is a visiting Doctor in "Jai Sriram Poly Clinic" at Uthumalai. It is the further case of the petitioner that he used to visit the hospital on every Monday and give treatment to the patients from 10.00 am to 12.00 noon. It is only on his advice and prescription, medicine were given to the patients in the said hospital.

3. It is stated by the petitioner that the first respondent has registered a case in Crime No.183 of 2017 for the offences under Sections 419, 420 of IPC and Section 15(3) of Indian Medical Council Act, 1956 by arraying the petitioner as 4th accused. The petitioner further stated that the registration of the case by the first respondent as against the petitioner is a clear mis-use of power as he is a qualified Doctor. The allegations found in the complaint are that the place belong to one of the accused and the Allopathy treatment is given to the patients without qualified



Doctors and that medicines are prescribed and administered without the presence of the qualified Doctors, in English medicines.

4. The learned Additional Public Prosecutor appearing for the first respondent, on instructions, submitted that the final report itself has been filed on 26.09.2017 and that therefore, the petition for quashing the First Information Report is not sustainable.

5. Considering the fact that the final report has already been filed, the Criminal Original Petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Crl side)

/True copy/

Sub Assistant Registrar

To

1.The Inspector of Police,
Uthumalai Police Station,
Thirunelveli District.

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

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