

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2018

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.15275 of 2018

and

Crl.MP.No.7753 of 2018

P.Chandrakala

...Petitioner/Accused

vs.

1. State of Tamil Nadu

Through the Inspector of Police

Mangadu Police Station

Mangadu, Thiruvallur District.

2. The Joint Director of Health Services

Kanchipuram Region

Kanchipuram.

...Respondents/Complainant

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the records in connection with the FIR in Crime No.2189/2017 registered on 13.10.2017 by the first respondent police under Section 420 of IPC and Section 15(3) of the Indian Medical Council Act, 1956, registered against the petitioner/accused and quash the same.

For petitioner : Mr.M.Ramamoorthi

For Respondents: Mrs.Kritika Kamal.P

Government Advocate (Crl. Side) for R1

O R D E R

This Criminal Original Petition has been filed to call for the records in Crime No.2189/2017, registered on 13.10.2017 by the first respondent police, under Section 420 of IPC and Section 15(3) of the Indian Medical Council Act, 1956, against the petitioner/accused and quash the same.

2. On the complaint lodged by the Joint Director of Health Services, Kanchipuram, that the petitioner is practising Allopathy Medicine without any qualification, the first respondent police registered a case in Crime No.2189 of 2017 on 13.10.2017 under Sections 420 IPC and Section 15(3) of the Indian medical Council Act, 1956, against the petitioner, for quashing which, this petition has been filed.

3. Heard Mr.M.Ramamoorthi, learned counsel for the petitioner/accused and Mrs.Kritika Kamal.P, learned Government Advocate (Crl. Side) for the first respondent.

4. On a reading of FIR, there appears to be prima facie materials for registration of an FIR.

5. However, the learned counsel for the petitioner/accused submitted that the accused is a Siddha Medical Practitioner and that she is not practising Allopathy. However, the police are refusing to receive the evidence that she is willing to produce to show that she has never practised Allopathy medicine.

6. Accepting his submission, this Court directs the first respondent police to receive all the materials and evidences produced by the accused in her support to show her innocence. The first respondent police shall conduct an unbiased investigation and during investigation, if it is found that the petitioner is not practising Allopathy medicine, it is needless to state that further action against the petitioner should be dropped.

With the above direction, this petition is ordered, accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police
Mangadu Police Station
Mangadu, Thiruvallur District.

2.The Joint Director of Health Services,
Kanchipuram Region, Kanchipuram

3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.M.Ramamoorthi, Advocate Sr.No.36709

sm:20.6.2018

Cr1.O.P. No.15275 of 2018