

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.29372 of 2018

Dr.M.Raja

...Petitioner

Vs.

1.State rep. by
Inspector of Police,
Ethappur Police Station,
Ethappur, Salem District.

2.The Joint Director of Rural and
Medical Health Services,
Salem District, Salem.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the first respondent herein not to harass the petitioner at the instance of any complaint alleging practice of Allopathic medicine without following the due process of law.

For Petitioner : Mr.R.Thamaraiselvan
For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the first respondent police not to harass the petitioner, who is practicing Homeopathi Doctor.

2. The learned counsel for the petitioner would submit that the petitioner is a Homeopathi Doctor, who has valid qualification given by an authorised university. The petitioner is only practicing Homeopathi and he never practiced Allopathy at any given point of time. However, there is a regular harassment from the first respondent, due to which the petitioner is not able to continue with his Homeopathi practice.

3. The learned Additional Public Prosecutor would submit that as and when there is a complaint against the petitioner to the extent that the petitioner is practicing Allopathic Medicine

and prescribing Allopathic Medicine, the first respondent police has to necessarily enquire about the same, since it involves the life of people and public interest. The learned Additional Public Prosecutor would further submit that the first respondent police will not unnecessarily intervene with the practice of the petitioner, if he strictly adhered to practicing Homeopathi.

4. The submissions made by the learned Additional Public Prosecutor is recorded and the first respondent police shall call the petitioner for an enquiry by issuing a summon only in case when there is a specific complaint that the petitioner is practicing Allopathy and prescribing Allopathic Medicines.

5. The criminal original petition is disposed of with the above direction.

-s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

lpp/vsa

To

1. The Inspector of Police,
Ethappur Police Station,
Ethappur, Salem District.

2.The Joint Director of Rural and
Medical Health Services,
Salem District, Salem.

3.The Public Prosecutor,
High Court of Madras,
Madras.

+1 CC to Mr.R.Thamaraiselvan, Advocate sr 87241

CrI.O.P.No.29372 of 2018

SP(08/01/2019)