



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2018

CORAM:

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THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.2462 of 2018

Nithyaanandam

... Petitioner

-vs-

1. The Superintendent of Police,
Pudukottai District, Pudukottai.

2. The Inspector of Police,
Pudukottai Town Police Station,
Pudukottai, Pudukottai District.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents not to harass the petitioner by interfering with his practice in Alternative Medicines namely External Therapist, Acupuncture and Natural Therapy.

For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.Prabu Ramachandran
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed, to direct the respondents not to harass the petitioner by interfering with his practice in Alternative Medicines namely, External Therapist, Acupuncture and Natural Therapy.

2.The learned counsel for the petitioner has submitted that the petitioner has completed Diploma in Acupuncture Therapy on 22.06.2012 and necessary certificate has also been issued to that effect. He further submitted that the petitioner has also completed External Therapist Course ie., Diploma in Yoga and Naturopathy conducted by the National Counsel for Vocational course through the Minister of Labour and Employment in Government of India. He further submitted that the petitioner is practicing in Acupuncture and Natural Therapy, which is called as Alternative



Medicines without using any Allopathy Medicines. He further submitted that during the Dengue Fever season, the authorities of Allopathy Medicine have teased the other field practitioners by using the police officials and hence, the Association of Acupuncture and Alternative Medicine Practitioners moved before this Court in W.M.P.(MD)No.8062 of 2016 in W.P.(MD)No.10311 of 2016 and this Court has passed an order permitting the members of the Association to practice in Acupuncture and being so, the second respondent is harassing the petitioner by way of threatening to stop the practice in Alternative Medicine System, without verifying the certificate of the petitioner.

3.The learned Government Advocate (Criminal Side) has submitted that the petitioner is using Allopathy Medicine and hence, he was instructed not to use any Allopathy Medicines and apart from that, the petitioner was not subjected to any harassment.

4.A perusal of the order passed by this Court in W.M.P.(MD) No.8062 of 2016 in W.P.(MD)No.10311 of 2016 shows that Tamil Nadu Acupuncture and Alternative Medical Association has filed a writ petition and also W.M.P. seeking interim relief in which this Court has pass the following order:

" The members of the petitioner association are permitted to practise Acupuncture and other system of medicine. The members of the petitioner Association shall also produce the degree or certificate, which is authorizing the members of the petitioner Association, to practise Acupuncture, whenever, the second and third respondents or any other police officials require for production of certificate, which prove the credential of the members of the petitioner Association, confirming that they are authorised to practise Acupuncture".

5.From the aforesaid order, it is clear that the members of the aforesaid Association have been permitted to practice Acupuncture and other system of Medicine. Further they should produce a degree or certificate whenever asked by the police. Therefore, if the respondent police asked the petitioner to produce degree of certificate which is authorizing him to practice Acupuncture, he is bound to produce. Further he has to produce evidence that he is the member of the Tamil Nadu Acupuncture and Alternative Medical Association Trust. If the petitioner has produced degree or certificate showing that he has been authorised to practice Acupuncture, the respondent should not harass him. In case, the respondent police found that the petitioner is using Allopathy Medicine then it is open to them to take appropriate



6. With the aforesaid observations, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (RTI)

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/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Pudukottai District, Pudukottai.
2. The Inspector of Police,
Pudukottai Town Police Station,
Pudukottai, Pudukottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 cc TO Mr. T. Vadivelan, Advocate in SR No. 50621

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AE/SV MMS/SAR2/20.03.2018/3P/5C

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