



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P.(MD)No.21807 of 2013
and
M.P.(MD)Nos.1 and 2 of 2013

Dr.Surendran

... Petitioner/Sole Accused

Vs.

1. The Inspector of Police,
Karur Town Police Station,
Karur.
(Crime No.907/2006)

... 1st Respondent/Complainant

2.A.H.Ameer

... 2nd Respondent/Defacto
Complainant

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the Charge Sheet in C.C.No.54 of 2013 on the file of the Judicial Magistrate Court No.I, Karur and quash the same.

For Petitioner : Mr.P.Rameshkumar
For R1 : Mr.A.Robinson
Government Advocate
(Criminal side)

ORDER

The petitioner is facing trial in C.C.No.54 of 2013 on the file of the Judicial Magistrate Court No.I, Karur. The offences with which he has been charged are Sections 420 and 417 IPC and Sections 15(1) (3) (B) of the Indian Medical Council Act, 1956.

2.It is not in dispute that the petitioner is a qualified Siddha Doctor. The allegations made against the petitioner is that he had also engaged himself in Allopathy practice.

3.The learned counsel appearing for the petitioner submitted that the second respondent, who is based in Thanjavur, had lodged a complaint against the petitioner on motivated grounds. The learned counsel appearing for the petitioner further placed reliance on the decision of this Court reported in **2010 (4) CTC 798 [Tamil Nadu Siddha Medical Graduates' Association Vs. Letika Saran]**. That apart, this Court by order dated **02.11.2010** in **Cr1.O.P.(MD)Nos.11994**



to 11996, 12179 and 12243 of 2010 [Dr.S.Arockia Vargheese Vs. The Sub-Inspector of Police, Sudhamalli Police Station, Sudhamalli, Tirunelveli District and others], has quashed the FIR registered against the qualified Siddha practitioners.

4.This Court after referring the Government circulars held that the police should not interfere with the practice of the Siddha practitioners, who are having B.S.M.S. Qualification, either *suo motu* or based on some complaints given by public. If at all, there are persons, who are aggrieved by the conduct of such medical practitioners, they have to petition the Tamil Nadu Siddha Medical Council or the Director of Health Services and the interference of the police in such matters would demoralise the qualified practitioners of the Indian Systems of Medicine.

5.The abovesaid decisions are squarely applicable to the case on hand. Therefore, the impugned proceedings in C.C.No.54 of 2013 pending against the petitioner on the file of the Judicial Magistrate No.I, Karur, shall stand quashed. This Criminal Original Petition is allowed accordingly. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,
Karur.
2. The Inspector of Police,
Karur Town Police Station,
Karur.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.D.RAMESHKUMAR, ADVOCATE IN SR No. 62133

SMN2

TE/RSK/SAR-1 : 08/05/2018 : 2P/5C

Crl.O.P. (MD) No.21807 of 2013
18.04.2018