

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.11586 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioner/sole accused, seeking to quash the proceedings in Crime No.51 of 2018, dated 09.03.2018 on the file of Rangampeta Police Station, East Godavari District, registered for the offences punishable under Section 420 IPC and Section 11(1)(3) of the A.P.Private Medical Care Establishments (Registration and Regulation) Act, 2002 (for short 'the Act').

2. The sum and substance of the accusation in registration of the crime from the letter of the District T.B.Control and Divisional Office to the Station House Officer, Rangampeta, is that the petitioner/accused herein by name Dr.T.Rama Raju, BHMS is practicing along with homeopathy, allopathic also, thought not registered under the Act, 2002, which is mandatory. Hence to take action.

3. There is nothing to show that the de facto complainant was cheated and there is nothing even to show to which patient he treated much less by playing deception by causing wrongful loss or gain, which are the two prerequisites to attract the offence under Section 420 IPC defined under Section 415 IPC. The same is lacking to register the crime under Section 420 IPC. So far as the offence under Section 11

of the Act, 2002 is concerned, Section 11(3) speaks the punishment for any violation and Section 15 speaks of no case shall take cognizance of any offence under the Act except on a complaint made by the authority or by an officer of person authorized by it in his behalf. Though, there is no bar for FIR, the very registration of the crime ultimately is to file final report to take cognizance under Section 11 and said cognizance is prohibited so also registration of a crime on a report but for saying only a complaint is prerequisite, the very proceeding under Section 11 of the Act for the alleged penal offence also no way survives to continue. However, it will not prevent the police if at all in future to take any required action, according to law.

4. Accordingly, the Criminal Petition is allowed and the proceedings against the petitioner in relation to Crime No.51 of 2018, dated 09.03.2018 on the file of Rangampeta Police Station, East Godavari District, are quashed.

5. Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 20.11.2018
pab