

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2019

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.12260 of 2013

and

Crl.M.P.No.1 of 2013

P.Anandan

... Petitioner/Accused

Versus

State,

Rep.By Sub Inspector of Police,

Thoppur Police Station,

Darmapuri District.

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the above FIR in Crime No.458 of 2012 on the file of the respondent Police and quash the same.

For Petitioner : Mr.Najeebushmankhan

For Respondent : Mr.Hari Hara Arun Somasankar
Government Advocate [Crl. Side]*

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O R D E R

This Criminal Original Petition has been filed to quash the investigation in Crime No.458 of 2012 on the file of the respondent Police.

2.The petitioner is an accused in Crime No.458 of 2012, which came to be registered by the respondent Police for the offences under Sections 420, 336 & 417 of IPC r/w Section 15(i) (c) of the Indian Medical Council Act and Section 6(i) (a) of the Indian Medical Degrees Act, 1956.

3.The case is that the petitioner was running a Medical Clinic and giving treatment to the public, for which he had no qualification for the same and he has studied only 12th standard. Using the name of Doctor Salem Kanagaraj, he was also administering injection and practicing as though he was an

Allopathy Doctor. Hence, a case was registered.

4.The contention of the learned counsel for the petitioner is that the petitioner is a Medical Practitioner and he is a member of the Private Medical Practitioners Association of India. The said Association consists of non-academically qualified medical practitioners, others qualified in various system of medicines and persons qualified in various faculties that are ancillary to the practice of Modern Allopathic system of medicine. In all such sufficient experience, the petitioner was rendering medication to the people in the locality with service mind. The Government of India placed a proposal before the joint committee of Lok Sabha and Rajya Sabha for the regularization of the practice of the members in the said association. Pursuant to such guidelines and recommendations, various State Governments have regularized the practice of such members. Further, suitable steps are to be taken to suspend the penal provisions of the Indian Medical Council Act, so as to enable the members to continue their practice in the modern system of Allopathic Medicine in accordance with the recommendations of the Government of India.

5.He further submitted that a Writ Petition was filed on behalf of the said association before this Court in W.P.No.13358 of 2012 and this Court was pleased to grant an injunction not to take any steps against the petitioners and other of the Private Medical Practitioners Association of India.

6.The learned counsel for the petitioner further submitted that the charge sheet ought not to have been filed in the above case. Since, this Court in W.P.No.13358 of 2012, dated 09.05.2012 granted injunction against the respondents therein. In the present case, an Interim Stay was also granted by this Court on 30.04.2013. Hence, there is no materials produced to show that the order of stay has been communicated to the concerned. Hence, he prayed for quashment of the investigation in Crime No.458 of 2012.

7.The learned Government Advocate [Crl. Side] appearing for the respondent police submitted that the investigation in the case has been completed and charge sheet came to be filed in C.C.No.118 of 2018 for the offences under Sections 420, 336 & 417 of IPC r/w Section 15(i)(c) of the Indian Medical Council Act and Section 6(i)(a) of the Indian Medical Degrees Act, 1956, before the learned Judicial Magistrate No.II, Dharmapuri and the case is next posted for hearing on 04.04.2019.

8.It is seen that the investigation is completed and charge sheet has been filed in the above case. Hence, nothing survives for adjudication in the above case and this Criminal Original Petition is dismissed.

9.However, the petitioner is given liberty to proceed against the concerned, if there is any violations on the order obtained by him and also at liberty to challenge the charge sheet filed in C.C.No.118 of 2018. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Sub Inspector of Police,
Thoppur Police Station,
Darmapuri District.

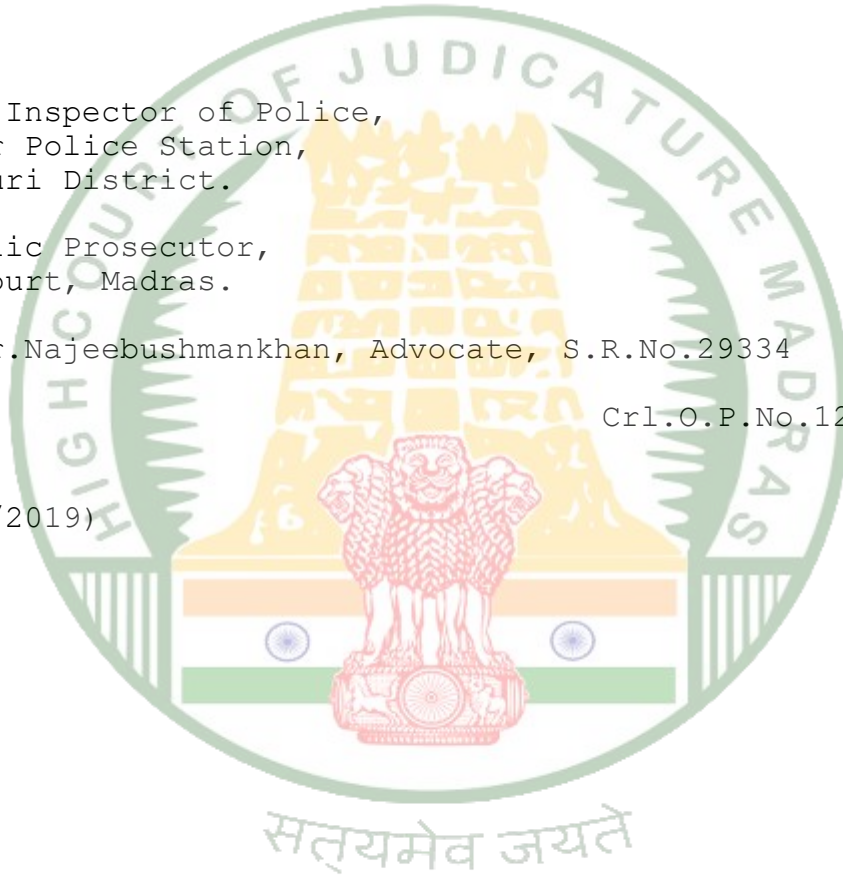
2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Najeebushmankhan, Advocate, S.R.No.29334

Crl.O.P.No.12260 of 2013

VG-II (CO)

RRS (10/05/2019)



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