

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.Nos.2425 & 2427 of 2019

1.Dr.P.Perumal ... Petitioner in Crl.OP.No.2425 of 2019

2.Dr.J.Jothi ... Petitioner in Crl.OP.No.2427 of 2019

Versus

1.The State Rep. by,
The Inspector of Police,
Uthukuli Police Station,
Tiruppur District.

2.The Joint Director,
Health Department,
Tiruppur District.

... Respondents in Crl.OP.No.2425 of 2019

3.The State Rep. by,
The Inspector of Police,
Omalur Police Station,
Salem District.

4.The Joint Director,
Health Department,
Salem District.

... Respondents in Crl.OP.No.2427 of 2019

Common Prayer: These Criminal Original petitions are filed under Section 482 of Criminal Procedure Code, directing the respondents/his men and agents not to, at the instance of any complaint, harass the petitioners in respect of his practice of providing first aid medical service in allopathy without following the due process of law.

In Both Crl.OP's
For Petitioner : M/s.B.Harikrishnan

For respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

Even though a larger relief is sought for in the above criminal original Petitions, the learned counsel for the petitioners would confine the relief only for a direction to the respondent Police not to harass the petitioners at the instance of any complaint in respect of giving First Aid to the patients.

2.The learned counsel for the petitioners would submit that the petitioners are qualified and have been granted Diploma Certificate by the National Council for professional Education Mission in First Aid and Practical Nursing. According to the learned counsel for the petitioners this is sufficient qualification for the petitioners to give first Aid and practical nursing and the petitioners will not involve themselves in giving any treatment to any patient with Allopathy Medicines.

3.This Court while exercising its powers under Section 482 of Cr.P.C., will not interfere with the investigation conducted by the Police, more particularly in areas where the complaint pertains to giving treatment to patients. This Court is not a specialist to assess the nature of certificate that has been given to the petitioners. Ultimately, the life of a person is involved and therefore, this Court must be more careful in giving directions in cases of this nature. Therefore, there cannot be a blanket ban against the Police in conducting enquiry wherever complaints are received against persons practicing medicines in areas in which they are not qualified.

4.In order to strike a via media, as and when complaint is received by the Police against the petitioners, the respondent Police shall issue summons to the petitioners and call them for enquiry and satisfy themselves with regard to the qualification of the petitioner and the nature of complaint that has been given against the petitioners and thereafter proceed in accordance with law.

5.Accordingly, these Criminal Original Petitions are disposed of with the above direction.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

vv2/rka
To

1.The Inspector of Police,
Uthukuli Police Station,
Tiruppur District.

2.The Joint Director,
Health Department,
Tiruppur District.

3.The Inspector of Police,
Omalur Police Station,
Salem District.

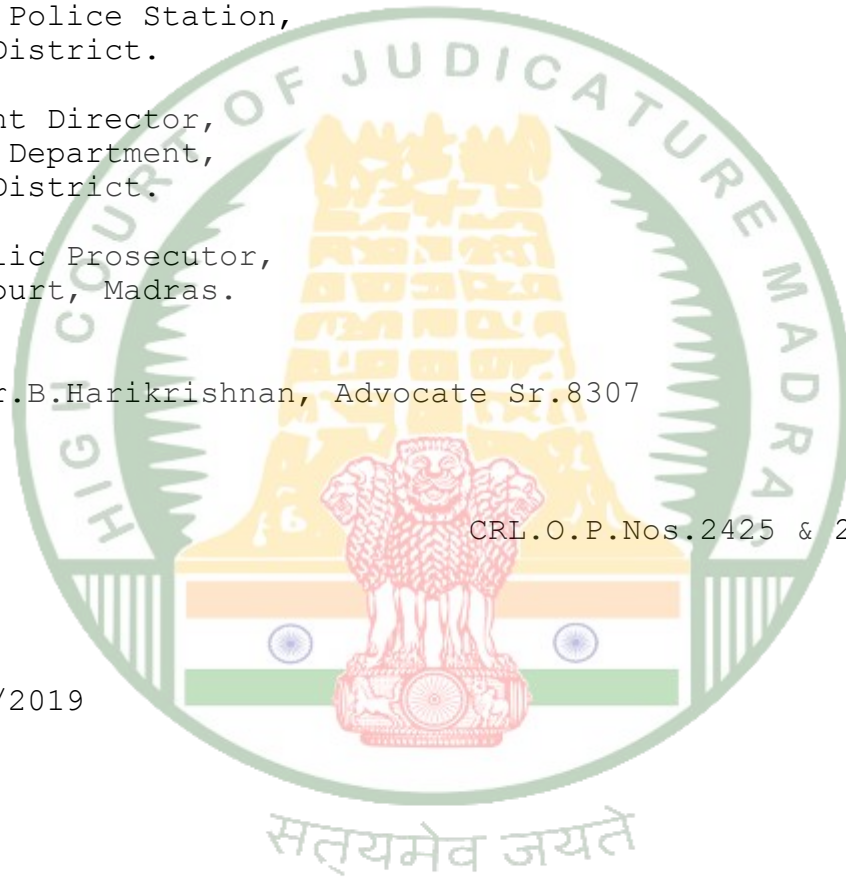
4.The Joint Director,
Health Department,
Salem District.

5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Harikrishnan, Advocate Sr.8307

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srg 22/02/2019



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