

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.2420 of 2019

P.Livingstone

... Petitioner

Versus

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

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

... Respondents

Prayer: Criminal Original petition is 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 petitioner in respect of his practice of providing first aid medical service in allopathy without following the due process of law.

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 Petition, the learned counsel for the petitioner would confine the relief only for a direction to the respondent Police not to harass the petitioner at the instance of any complaint in respect of giving First Aid to the patients.

2.The learned counsel for the petitioner would submit that the petitioner is qualified and has 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 petitioner this is sufficient qualification for the petitioner to give first Aid and practical nursing and the petitioner will not involve himself 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 petitioner. 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 petitioner, the respondent Police shall issue summons to the petitioner and call him for enquiry and satisfy themselves with regard to the qualification of the petitioner and the nature of complaint that has been given against the petitioner and thereafter proceed in accordance with law.

5.Accordingly, this Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

vv2/rka

To

- 1.The Inspector of Police,
Omalar Police Station, Salem District.
- 2.The Joint Director,
Health Department, Salem District.
- 3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.B.Harikrishnan, Advocate sr.8305

srg 22/02/2019

CRL.O.P.No.2420 of 2019