

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4902 of 2019

Dr.S.Arun Kumar

... Petitioner

Vs.

The State of Tamil Nadu,  
Rep. by the Inspector of Police,  
Kondalampatti Police Station,  
Salem 636 010.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent not to harass the petitioner at the instance of any complaint in respect of practice of Allopathic Medicine without following the due process of law.

For Petitioner : Mr.K.Selvaraj

For Respondent : Mr.M.Mohamed Riyaz,  
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed seeking to direct the respondent Police not to harass the petitioner, who is a Homeopathic Medicine practitioner, under the guise of enquiry.

2.The learned counsel for the petitioner would submit that the petitioner is a registered Electropathy/Electro Homeopathy Medical Practitioner, who holds valid qualification given by an authorised University. The petitioner is only practising Homeopathy and not Allopathy at any given point of time. However, there is a regular harassment from the respondent, due to which the petitioner is not able to continue with his Homoeopathic practice.

3.The learned Additional Public Prosecutor would submit that whenever a complaint is received as against the petitioner to the extent that the petitioner is practising Allopathic Medicine and prescribing Allopathic Medicine, the respondent Police has

to necessarily enquire about the same, since it involves the life of the petitioner as well as general public. The learned Additional Public Prosecutor would further submit that the first respondent Police will not unnecessarily intervene with the practice of the petitioner, if he strictly adhere to practising Homeopathy.

4.The submissions made by the learned Additional Public Prosecutor is recorded and the respondent Police shall call the petitioner for an enquiry by issuing a summon only in case when there is a specific complaint that the petitioner is practising Allopathy and prescribing Allopathic Medicines.

5.This Criminal Original Petition is disposed of with the above directions.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rm

To

1. The Inspector of Police,  
Kondalampatti Police Station,  
Salem 636 010.
2. The Public Prosecutor,  
High Court, Madras.

+1 cc to M/s.K.Selvaraj, Advocate, S.R.No.16938

RR(CO)  
SSM(19/03/2019).

Cr1.O.P.No.4902 of 2019

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