

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7278 of 2019 and
Crl.M.P.No.4011 of 2019

S.Ramesh

... Petitioner

Vs.

1.The State

rep. By its Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai District.

2.Mr.D.Pandian

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records in Crime No.1146 of 2017 on the file of the Tiruvannamalai East Police Station, Tiruvannamalai, and quash the F.I.R., in Crime No.1146 of 2017.

For Petitioner : Ms.B.Aparna

For R1 : Mr.C.Raghavan
Government Advocate (Crl.side)

O R D E R

This petition has been filed to quash the FIR in Crime No.1146 of 2017 on the file of the first respondent police, for offences under Sections 419, 420 of IPC and 15(3) of Indian Medical Council Act, 1956, as against the petitioner.

2. It is seen that a complaint was made by the 2nd respondent before the 1st respondent police alleging that the petitioner is practising Allopathy medicine for the past nine years and was running a clinic in the name of Matha Clinical Lab & ECG, at Thiruvannamalai. On the information of the 2nd respondent, the 1st respondent conducted surprise inspection at the clinic run by the petitioner. At the time of inspection, the petitioner was found to be administering neurobion injection to a patient and on enquiry, he stated that he was practising allopathy medicine for the past nine years. On enquiry, it was found that the petitioner has completed only diploma in Medical

Laboratory Technology and graduated in Medical Laboratory Technology. Hence, the complaint was registered in Crime No.1146 of 2017. Now, the petitioner seeks to quash the F.I.R.

3.The learned counsel for the petitioner submits that in order to wreck vengeance, this false case has been foisted against him. He has sufficient materials to prove that he is innocent. Hence, he prays to quash the F.I.R.

4.The learned Additional Public Prosecutor submitted that the petitioner possesses only bachelor degree in Medical Laboratory Technology and a diploma in Medical Laboratory Technology. However, he is running a clinic in the name of Madha Clinical Lab & ECG in Tiruvannamalai and was treating the patients pretending to be an Allopathy Doctor.

5.It is seen from the First Information Report that there is a specific allegation as against the petitioner, which has to be investigated. Further the FIR is not an encyclopaedia and it need not contain all facts. Further, it cannot be quashed in the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such this Court cannot interfere with the investigation. The investigating agency has to step in to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

6.In view of the above discussion, this Court is not inclined to quash the FIR. However, the petitioner is directed to submit all the documents before the first respondent. On receipt of such documents, the first respondent is directed to consider the same and complete the investigation and to file a final report within a period of three months from the date of receipt of a copy of this Order.

7.This Criminal Original Petition is disposed of accordingly. Consequently, the connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rm

To

1. The Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai District.
2. The Public Prosecutor,
High Court, Madras.

+1cc to M/S.B.Aparna, Advocate SR.25764

Cr1.O.P.No.7278 of 2019 and
Cr1.M.P.No.4011 of 2019

cp[co]
srg 23/04/2019