

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.8420 of 2019

Dr.S.Chinnakkalai

... Petitioner

Vs

1. The State rep by
The Inspector of Police,
Uthukuli Police Station,
Tirupur District.

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

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, 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 : Mr.B.Hari Krishnan

For Respondents : Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the respondents not to harass the petitioner.

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 and he only administers harmless allopathic medicines in the case of emergency.

3.This Court in 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 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 person 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 directions.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mpa/vsn

To

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

+1 cc to Mr.B.Harikrishnan, Advocate, S.R.No.29654

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BS (CO)
SSM(09/05/2019)