



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD)No.15106 of 2020

Dr.S.Shajahan

... Petitioner

Vs

1.State represented by
The Inspector of Police,
Melur Police Station,
Madurai District.

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

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the respondents/his men and agents not to, at the instance of any complaint, harass the petitioner without following the due process of law, in respect of his practise of providing first aid medical service in allopathy.

For Petitioner : Mr.B.Harikrishnan

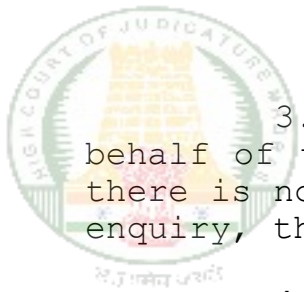
For R1 & R2 : Mr.V.Neelakandan,

Additional Public Prosecutor(Crl.Side)

O R D E R

This Criminal Original Petition has been filed to direct the respondents/his men and agents not to, at the instance of any complaint, harass the petitioner without following the due process of law, in respect of his practise of providing first aid medical service in allopathy.

2.The learned counsel appearing for the petitioner would submit that the petitioner is a registered member of Tirupur District Private Rural Medical Practitioners Association, a Association registered under the Tamil Nadu Societies Registration Act, 1975. According to the petitioner, the Association has issued a Certificate dated 07.10.2018 confirming that he is a bonafide member and his length of service in First Aid Allopathic System of Medicine is ten years. The petitioner is not involved in any minor or major surgery of any kind nor any pregnancy related treatment or surgery and he is merely provides basic health facility like first aid and referring patients to Government Hospital, Madurai or qualified medical practitioner's for medical treatment. The grievance of the petitioner is that the 1st respondent police, at the instance of the 2nd respondent, is needlessly harassing the petitioner by summoning and detaining in the police station, without following due process of law. Hence, the petitioner is before this Court with this present Criminal Original Petition.



3.The learned Additional Public Prosecutor appearing on behalf of the respondent police, on instructions, would submit that there is no such harassment as contended by the petitioner. Only for enquiry, the petitioner was called for enquiry.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the official respondent.

5.Considering the facts and circumstances of the case, if the respondent/police intends to enquire the petitioner, they should follow the guidelines laid down by the Hon'ble Apex Court in ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610*** and accordingly, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To: -

- 1.The Inspector of Police,
Melur Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD)No.15106 of 2020
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