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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2021

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

CRL.O.P.NO.21869 OF 2017

AND

CRL.M.P.NOS.12847 & 14381 OF 2017

Dr.G.P.Hahnemann

... Petitioner/Accused-2

.Vs.

1. State represented by
Inspector of Police,
CCB-1, Chennai.
(Crime No.251 / 2017)

... 1st respondent/Complainant

2. The Registrar,
Tamil Nadu Homeopathy Medical Council,
Arumbakkam,
Chennai - 600 106.

... 2nd respondent/
De-facto Complainant

PRAYER:-

Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in Cr.No.251 of 2017 dated 02.08.2017 on the file of the 1st respondent and quash the same as far as the petitioner is concerned.

For Petitioner .. Mr.M.V.Venkataseshan

For Respondents .. Mr.E.Raj Thilak
Govt. Advocate (Criminal Side)

ORDER

The present petition has been filed under Section 482 of Cr.P.C calling for the records in Cr.No.251 of 2017 registered by the Chennai Central Crime Branch - I on 02.08.2017 under Sections 465, 468, 471, 420 and 34 of IPC based on a complaint given by the Registrar, Tamil Nadu Homeopathy Medical Council, Arumbakkam, Chennai - 600 106.



2. The present Criminal Original Petition has been pending on the file of this Court without any effective progress from the date when it has been filed. Stay has also not been granted. In the meanwhile, there has been another development, namely, Directorate of Vigilance and Anti-Corruption have independently, on source information, registered DVAC Cr.No.3/AC/2017/CC-I against the petitioner herein and another individual.

3. Mr.E.Raj Thilak, Government Advocate (Criminal Side) stated that investigation in Cr.No.3/AC/2017/CC-I by the DVAC would also cover the averments made in the complaint by the Registrar, Tamil Nadu Homeopathy Medical Council pursuant to which FIR in Crime No.251 of 2017 had been filed. There has been an office communication between the officials of DVAC and the Commissioner of Police, Greater Chennai Police, requesting to close Crime No.251 of 2017 and obtain the original records from the jurisdictional Magistrate Court and hand them over for the investigation by Vigilance and Anti-Corruption, Chennai. Though communication between the officials was in January 2021, no further progress could be done owing to the pendency of the present Criminal Original Petition.

4. Heard Mr.M.V.Venkataseshan, learned counsel for the petitioner.

5. This petition does not survive any more, but, the petitioner is granted every liberty to take up the issues relating to Cr.No.3/AC/2017/CC-I of the Vigilance and Anti-Corruption, Chennai, in manner known to law, if the complainant feels that the averments or allegations therein could be further put up for examination by a competent court. Reserving that liberty to the petitioner, the present Criminal Original Petition is dismissed. Consequently, the connection miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

smv

To

1. The Inspector of Police,
CCB-I, Chennai.



2. The Registrar,
Tamil Nadu Homeopathy Medical Council,
Arumbakkam,
Chennai - 600 106.

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3. The Public Prosecutor,
High Court,
Madras.

CRL.O.P.NO.21869 OF 2017

PMK (CO)
PBS/17/09/2021