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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL.O.P.NO.27823 OF 2017

AND

CRL.M.P.NO.15841 OF 2017

S.Periyasamy

S/o. Shanmuga Gounder

...Petitioner / Accused

Versus

1.The State rep. by
The Inspector of Police
Kavundapadi Police Station,
Kavundapadi, Erode District.

2.Dr.S.Devaraj

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to to quash the proceedings in First Information Report dated 25.07.2017, registered in Crime.No.358 of 2017 pending on the file of the first respondent police.

For Petitioners : Mr.D.Baskar

For Respondents : Mr.R.Kishore Kumar
Govt. Advocate (Crl.side) for R1
No Appearance for R2

O R D E R

This Criminal Original Petition has been filed to quash the First Information Report registered against the petitioner in Crime.No.358 of 2017 pending on the file of the first respondent police for the offences under Section 15(3) of Indian Medical Council Act, 1956 and Section 420 of IPC.

2. The crux of the allegation is that the accused claiming to be a Medical Practitioner holding MBBS degree, running a clinic in the name of 'Sakthi Clinic'. In an inspection conducted by the Medical Officers along with Sub-Inspector of Police, it is found that the petitioner was practicing allopathy medicine without holding MBBS degree and syringes, which is used by the qualified doctors also alleged to be seized



from the said clinic, which led to the filing of an FIR and the same is sought to be quashed.

3. The learned counsel for the petitioner mainly contended that the petitioner had obtained several certificates and has undergone a training in Community Health Services, which includes using of syringe etc., and according to learned counsel, when the petitioner has obtained several qualifying certificates and underwent training, he cannot be prosecuted.

4. Heard the learned Government Advocate (Crl.side) appearing on behalf of the first respondent.

5. It is submitted by the learned Government Advocate that whether to recognize the Electrohomeopathy as a system of medicine itself is not decided by the Medical Council in the last meeting held on 19.02.2021 and in the said meeting, it is concluded that for such a recognition of Electrohomeopathy as a system of medicine, there is no detailed and authentic scientific information and data and hence, no final decision has been taken. Therefore, it is submitted by the learned Government Advocate that at this stage, FIR cannot be quashed.

6. I perused the entire materials placed before this Court.

7. As far as the certificates said to have been obtained by the petitioner is concerned, this Court has its own reservation about the same. It is for the Investigation Officer to verify these certificates and if the petitioner has undergone necessary training to use syringe, stethoscope etc., the same can be taken note of by the Investigation Officer and if the Investigation Officer finds that no offence is made out, he is at liberty to file a negative report.

8. With the above observation, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

gpa/gba

To

1. The Inspector of Police
Kavundapadi Police Station,
Kavundapadi, Erode District.



2.The Public Prosecutor
Madras High Court
Chennai

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CP (CO)
RVM(06/01/2022)

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