



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 11.11.2021

CORAM:

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

CRL.O.P. No.28540 of 2017
and
CRL. M.P. No.16174 of 2017

M.Thirumalai

...Petitioner

- Vs -

1. The State of Tamil Nadu
rep. by the Inspector of Police,
Siva Kanchi Police Station,
Kancheepuram District.

2. Dr.Sundarraji,
Joint Director, Health Services,
Big Kancheepuram,
Kancheepuram District - 631 502.

...Respondents

PRAYER: Criminal Original Petition filed u/s.482 of Code of Criminal Procedure, to call for the records pertaining to F.I.R. in Crime No.654 of 2017, on the file of the 1st respondent police and to quash the same.

For Petitioner : Mr.D.Chandrasekar

For Respondents : R1 - Mr.S.Vinoth Kumar
for Public Prosecutor

R2 - Notice sent,
service awaited.

ORDER

The above Petition has been filed to call for the records pertaining to F.I.R. in Crime No.654 of 2017, on the file of the 1st respondent police.

2. It is the case of the Petitioner that on 14.10.2017 the 2nd respondent had entered the petitioner's clinic at 12.30 hrs and conducted a search and seized some medicine



from the clinic and they reported the same to the 1st respondent for registering the case against him for an offence u/s.15, 15 (3) of the Indian Medical Council Act. The 2nd Respondent without proper evidence or complaint from any person or specific complaint from the affected person foisted the case to wreck vengeance against the Petitioner. Hence, he filed this petition to quash the F.I.R.

3. It is the contention of the learned counsel for the petitioner that the defacto complainant have suo moto foisted the case against the petitioner and the F.I.R. also filed with a mala-fide intention to wreck vengeance against the petitioner. Hence, he prayed to call for the records pertaining to the above F.I.R. and quash for the same.

4. Learned counsel appearing for the Public Prosecutor submits that the above F.I.R. had been investigated, charge sheet has also been filed before the Judicial Magistrate-I, Kancheepuram on 31.10.2021 and the same was taken on file in STC No.437 of 2021 by the Judicial Magistrate.

5. Heard both sides. Since the charge sheet has been filed, this petition has become infructuous. It is open to the petitioner to take appropriate legal action to challenge the final report.

6. Accordingly, this petition is dismissed as infructuous. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

kbs/ggs

To

1. The Inspector of Police,
Siva Kanchi Police Station,
Kancheepuram District.
2. The Public Prosecutor,
High Court, Madras - 104.

CRL.O.P.NO.28540 OF 2017 AND
CRL.M.P. NO.16174 OF 2017

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NSK 29/11/2021