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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.22977 of 2018
and
Crl.MP.No.12840 of 2018

Dhayasankar

.. Petitioner/Accused

Vs.

1. The Inspector of Police,
Kaveripakkam Police Station,
Vellore.
Cr. No.51 of 2018

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

.. Respondents/Defacto Complainant

Prayer : This Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records and quash the same in Cr.No.51 of 2018 dated 02.02.2018 filed against the petitioner on the file of the first respondent police.

For Petitioner : Mr.V.Gopinath
Senior Counsel
For Mr.S.Sairaman

For Respondents : Mr.C.E.Pratap
Government Advocate (Crl.side)

ORDER

The petitioner, who is a Medical Practitioner, has filed this petition to quash an FIR against him by the first respondent police on the ground that he has allowed unqualified persons to give treatment to patients.

2. It is the case of the petitioner that he is a qualified Doctor and he has served in a Government Health Primary Centre, Kaveripakkam as Assistant Surgeon and he was retired from



service on 31.05.2005. Thereafter, the petitioner was running a private clinic at Kaveripakkam.

3. Whiles, the second respondent lodged a complaint before the first respondent alleging that unqualified persons were giving treatment to the public in petitioner's clinic. The second respondent conducted a spot investigation and found the accused Nos. 2 & 3 administering injection to a lady. The second respondent preferred a complaint before the first respondent and certain medical equipments were seized by the first respondent. Based on the complaint given by the second respondent, the first respondent registered a case in Crime No.51/2018 against the petitioner and two others. Seeking quashment of the FIR registered against him, the petitioner has preferred this Original Petition.

4. Heard the learned counsel for the petitioner as well as the learned Government Advocate, and perused the materials available on record.

5. It is seen from the records that the District Collector had, indeed, directed the second respondent to conduct an enquiry and submit a report. The second respondent, who conducted inspection instead of submitting a report to the District Collector, had chosen to prefer a complaint before the first respondent. Moreover, at the time when the inspection was conducted by the second respondent, the petitioner was not present in the hospital. Without even, calling for an explanation from the petitioner, the second respondent has directly preferred a complaint before the first respondent police.

6. It is the case of the petitioner in the affidavit filed in support of this petition, at paragraph No.4 that the accused Nos. 2 and 3 are working as Nurses in the said clinic and they are qualified persons. The second respondent has conducted the inspection only based on the directions given by the District Collector. It would have been proper on the part of the second respondent only to submit a report to the District Collector. It is for the District Collector to call for any explanation from the petitioner and thereafter, proceed in accordance with law. Therefore, this Court has no hesitation to hold that the petitioner should not be allowed to face harassment before the respondent police.

7. In the result, the proceedings in Crime No.51 of 2018 pending on the file of the first respondent against the



petitioner is hereby quashed. consequently, connected
miscellaneous petition is also closed.

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Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Kaveripakkam Police Station,
Vellore.
Cr. No.51 of 2018
2. The Joint Director,
Health Department,
Vellore, Vellore District.
3. The Public Prosecutor,
High Court of Madras.

Cr1.O.P.No.22977 of 2018
and Cr1.MP.No.12840 of 2018

CA(CO)
SU(26/11/2021)