



CrI.O.P.No.16793 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CrI.O.P.No.16793 of 2022
and
CrI.M.P.Nos. 10110 & 10111 of 2022

R.Devaraj

... Petitioner

Vs.

1.The Inspector of Police,
Aappakoodal Police Station,
Bhavani main Road,
Sakthi Nagar Post,
Aappakoodal, Bhavani Taluk,
Erode District 638 315.

2.The Siddha Medical Officer,
Erode Government Headquarters,
Hospital,
E.V.N.Road, Erode 638 009.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the Crime No.201 of 2015 on the file of Appakoodal Police Station, Bhavani, Erode District duly registered under Section 17(4) of Indian Medicine General Council Act, 1970 and quash the same.



WEB COPY



CrI.O.P.No.16793 of 2022

For Petitioner : Mr.D.Ashok Kumar
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the Crime No.201 of 2015 on the file of Appakoodal Police Station, Bhavani, Erode District.

2. The learned counsel for the petitioner has submitted that the petitioner has not practised any Allopathy medicine. But he was authorised to practise Ayurvedha. For that, he had obtained a certificate from the Devghar Vidyapetth, Bihar and also from Tamil Nadu Board of Indian Medicine, Madras. In such circumstances, a case registering against the petitioner for practising other medicines, is unsustainable and hence, the FIR filed against the petitioner has to be quashed.

3. The learned Additional Public Prosecutor appearing for the first respondent has submitted that after registering the case, the police recorded the statement of three persons stating that the petitioner had not practised Allopathy medicine. But the certificate relied on by the petitioner is not a



genuine one. Being a bogus certificate, he has to be prosecuted for violating the provisions under Section 17(4) of Indian Medicine General Council Act, 1970. Therefore, a case has been registered against the petitioner and the investigation in this case is now completed and charge sheet is ready for filing.

4. I have considered the matter in the light of the submission made by the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the first respondent.

5. A perusal of the records and complaint would reveal that the petitioner was authorised by the Tamil Nadu Board of Indian Medicine, Madras, to practise Ayurveda and obtained a certificate. The certificate relied on by the petitioner has been forwarded to the Tamil Nadu Board of Indian Medicine, Madras for verification and they have replied that the alleged certificate was not issued by them. Under such circumstances, the first respondent police registered a case against the petitioner for violation of Section 17(4) of Indian Medicine General Council Act, 1970. Therefore,



CrI.O.P.No.16793 of 2022

it has to be investigated whether the alleged certificate produced by the petitioner is genuine or bogus one. Therefore, it does not meet the parameters laid down by the Hon'ble Supreme Court in ***State of Haryana vs. Ch.BhajanLal (AIR 1992 SC 604)***, ***M/s Neeharika Infrastructure Pvt. Ltd., Vs. State of Maharashtra and others (2021 SCC online 315) & PRATIBHA RANI Vs.SURAJ KUMAR & ANR (1985 CrI.L.J.817)***. Therefore, it is inappropriate to quash the FIR and close the investigation at the beginning stage. Therefore, I find no merit and investigation is to be conducted to find out the truth.

6. In the result, this Criminal Original Petition is dismissed with a direction to the first respondent police to file a final report immediately before the jurisdictional Magistrate Court. On filing of the final report, the Jurisdictional Magistrate is directed to take the case on file, if it is otherwise in order. Consequently, connected miscellaneous petitions are closed.

Index : Yes/No
Internet : Yes/No
gv

13.10.2022



Crl.O.P.No.16793 of 2022

To

WEB COPY

1. The Inspector of Police,
Aappakoodal Police Station,
Bhavani main Road,
Sakthi Nagar Post,
Aappakoodal, Bhavani Taluk,
Erode District 638 315.
2. The Siddha Medical Officer,
Erode Government Headquarters,
Hospital,
E.V.N.Road, Erode 638 009.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.16793 of 2022

V.SIVAGNANAM ,J.

gv

Crl.O.P.No.16793 of 2022
and
Crl.M.P.Nos. 10110 & 10111 of 2022

13.10.2022