

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7319 of 2018

Arising Out of PS. Case No.-303 Year-2011 Thana- KHAJANCHI HAT District- Purnia

Dr. Anjana D. Kapoor @ Anjana Deepak Kapoor, wife of Dr. Deepak Kapoor,
Resident of Kapoor Complex, Sri Nagar Road, P.S.- K. Hat, District- Purnea.

... .. Petitioner

Versus

1. State of Bihar.
2. Dr. Lalit Mohan Prasad, Medical Officer, Sadar Hospital, Purnea, District-
Purnea.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 21-02-2023 Heard learned counsel for the parties.

This application has been filed for quashing of the order dated 26.03.2012 passed by learned Chief Judicial Magistrate, Purnea, in K. Hat P.S. Case No. 303 of 2011, by which the learned Magistrate has taken cognizance against the petitioner for the offence under Sections 419, 420, 467, 468 and 471 of the Indian Penal Code and under Section 17 of the Indian Medical Council Act, 1970.

The present F.I.R. has been lodged on the written complaint of the informant namely, Dr. Lalit Mohan Prasad, Medical Officer, Sadar Hospital, Purnea. In the written complaint, it has been alleged that in light of order of the Collector, Purnea the informant and other officials made a



surprise inspection and examined the certificates of the petitioner. It is alleged that during inspection it was found that the petitioner was not having registration certificate of the Medical Council of India. It is also alleged that during inspection, it was found that though the petitioner has certificate of Ayurvedic medicine but she deals with allopathic medicine. One prescription along with ultra sonography report of a patient namely, Rinku Gupta was seized and on perusal of the prescription, it appears that said patient was treated by this petitioner with allopathic medicine.

Considered the submissions of the parties.

In course of hearing, learned counsel for the petitioner has produced an office order dated 16.05.2012 issued by the Civil Surgeon-cum-Chief Medical Officer, Purnea, which shows that that the department has allowed Ayurvedic and Yunani doctors to prescribe allopathic medicines to their patients. The petitioner is a qualified Ayurvedic doctor.

Considering the aforesaid facts, this Court is of the view that no case for the offences under Sections 419, 420, 467, 468 and 471 of the Indian Penal Code as well as under Section 17 of the Indian Medical Council Act, 1970 is made against the petitioner.



Accordingly, this quashing application stands allowed. Consequently, the order of cognizance dated dated 26.03.2012 passed by learned Chief Judicial Magistrate, Purnea, in K. Hat P.S. Case No. 303 of 2011, is hereby quashed.

(Sandeep Kumar, J)

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