



Crl.O.P.No.3391 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P. No. 3391 of 2021

&

Crl.M.P. No.1969 of 2021

S.Ramesh

... Petitioner

Vs.

1. The State

Rep. by its Inspector of Police
Tiruvannamalai East Police Station,
Tiruvannamalai District – 606 601.

2. Mr.D.Pandian MD,

Joint Director of Health Service,
Tiruvannamalai District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in C.C.No.383 of 2019 on the file of the Judicial Magistrate – II, Tiruvannamalai and quash the same.



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For Petitioner : Mr. R.Abdul Mubeen
For Respondent 1 : Mr. A.Damodaran
Additional Public Prosecutor
For Respondent 2 : No Appearance.

ORDER

The petition is filed to quash the final report for the alleged offences under Section 419 and 420 of Indian Penal Code, 1860, read with Section 15(3) of the Indian Medical Council Act, 1956.

2. It is alleged that the petitioner did not have a Medical Decree and was practicing Allopathy Medicine and hence liable for the aforesaid offences.

3. The learned counsel for the petitioner would submit that the impugned complaint is *mala fide*, since the petitioner had made allegations against the staff of the 2nd respondent earlier. Irked by the complaint given by the petitioner, the 2nd respondent had given a false FIR, which culminated in the impugned final report. That apart, the witnesses listed in



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the final report are all interested witnesses and hence prayed for quashing of the final report.

4. It is the case of the prosecution that the petitioner was practicing Allopathy medicine without a valid decree and hence liable for the offences aforesaid.

5. This Court is of the view that the points raised by the petitioner are factual in nature and it can only be adjudicated before the Trial Court. Since the case is pending from the year 2019, the learned Judicial Magistrate II, Tiruvannamalai may conduct the Trial as expeditiously as possible and in any event complete the same, preferably within a period of 6 months from the date of receipt of a copy of this order.

6. With the above direction, the petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

27.04.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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To

1.The Judicial Magistrate – II,
Tiruvannamalai.

2.The Inspector of Police
Tiruvannamalai East Police Station,
Tiruvannamalai District



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SUNDER MOHAN. J,

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