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CrI.O.P.No.9690 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.9690 of 2022

D.Jayakumar

Vs.

... Petitioner

1. The Superintendent of Police,
Dharmapuri District.

2. The Inspector of Police,
Eriyur Police Station,
Dharmapuri District.

3. The Joint Director of Rural and Medical Health Services,
Dharmapuri District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the respondents herein not to harass the petitioner Trust members without due process of law at instance of any false and frivolous complaint in respect of practice of allopathy medicine as community health care provider (CHP) under legal provision of 2 (33) (iii) of the Drugs and Cosmetics Rules 1945 while implementing Tamil Nadu Clinical Establishment (Regulations) Rules 2018.



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Crl.O.P.No.9690 of 2022

For Petitioner : Mr.M.Ravi

For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)

ORDER

This petition is filed by a Trust named "Surasksha Chikithsak Parishad through its General Secretary. It is contended that, the trust is involved in medical services through out Tamil Nadu at areas where medical service is denied. Its members are qualified and experienced in allopathy medicine practice. Hon'ble Supreme Court in Dr.Mukhtiar Chand case and Subhasis Bakshi case permits non allopathic doctors to practice drugs by virtue of the declaration issued under the drug rules. However, the members of the petitioner's trust are harassed by police at the instigation of other doctors. Hence, seek direction to police not to harass.

2. Heard the learned counsel and representation of the petitioner perused.

3. This petition is filed by the Trust alleging its Members are harassed by Police for practicing allopathic form of medicine without details about



who are the members, how they are qualified to practice allopathic medicine and when and why they were harassed by the police, a blanket protection from police scrutiny is sought.

4. Learned Government Advocate (Crl. Side) submitted that, there are raising incidences of unqualified quacks are practicing in Tamil Nadu. Police is responsible to crack down them. If the prayer in the petition if acceded then, police will be put at inconvenience while discharging their duty.

5. This Court find force in the submission made by the learned Government Advocate (Crl. Side). Blanket protection order for the members of the Trust cannot be granted since to practice allopathic form of medicine the qualification has to be acquired by each individual and whether they are members of the Trust or they are members or not the individual qualification alone matter to permit them to practice allopathic and not their membership with the petitioner Trust . Thus, this Criminal Original Petition is dismissed.

03.11.2023



Index : Yes/No
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To:

1. The Superintendent of Police,
Dharmapuri District.
2. The Inspector of Police,
Eriyur Police Station,
Dharmapuri District.
3. The Joint Director of Rural and Medical Health Services,
Dharmapuri District.
4. The Public Prosecutor,
Madras High Court.



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Dr.G.JAYACHANDRAN,J.

Sma

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