



*Crl.O.P.No.28285 of 2019
and CRL.MP.No.15096 of 2019*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2023

CORAM:

THE HONOURABLE Ms.JUSTICE **R.N.MANJULA**

Crl.O.P.No.28285 of 2019
and
CRL.MP.No.15096 of 2019

K.M.Peer Mohammed

...Petitioner

-Vs-

1. State represented by
The Inspector of Police,
CCB, Coimbatore.
(Crime No.46 of 2018)
2. R.Vasanth Kumari

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, praying to call for the records relating to the Crime No.46 of 2018 on the file of the Inspector of Police, CCB, Coimbatore and quash the same.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side) for R1
Mr.K.Selvakumaraswamy for R2



*Crl.O.P.No.28285 of 2019
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WEB COPY

ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.46 of 2018 and quash the same as against the petitioner.

2. The petitioner is the second accused in this case. The case of the prosecution as it appears from the complaint is that the 6th accused- Mohammed Shahib is one of the accused in Crime No.903 of 2018 registered under NDPS Act. The allegation is that 6th accused, who is known to this petitioner was working as Receptionist in Government Hospital at Coimbatore had influenced the Government Doctors (A4 & A5) to issue medical certificate for 6th accused by stating that he was suffering from epilepsy. The 3rd accused is said to be the doctor who has given prescription for the 6th accused for the said disease and that was also taken into consideration by the accused 4 & 5. Since the said medical certificate was made use by the 6th accused to get bail in Crime No.903 of 2018 and the medical certificate was found to be false, the Head Clerk of the Special Court for NDPS, Coimbatore has given the complaint.



*Crl.O.P.No.28285 of 2019
and CRL.MP.No.15096 of 2019*

WEB COPY

3. Heard the learned counsel for the petitioner, learned Government Advocate (Crl.Side) appearing for the first respondent and the learned counsel for the second respondent. Perused the entire materials available on record.

4. The learned counsel for the petitioner submitted that the petitioner, who is the 2nd accused was the Receptionist and he is just a basic servant at the Hospital; the petitioner is not known to the 6th accused and he is not at all involved in any transaction as alleged by the prosecution; it is unbelievable to state that the qualified Doctors (A4 & A5) had relied on the statement of the second accused to give the medical certificate; the petitioner has got no overtact and he is roped unnecessarily in this case and hence, the FIR against the petitioner should be quashed.

5. The learned Government Advocate (Crl. Side) appearing for the first respondent submitted that the 2nd accused has got nexus with the Doctors/A4 and A5, who were working at the Government Hospital. The 2nd accused is known to the 6th accused and only because of that the 6th accused got the



*Crl.O.P.No.28285 of 2019
and CRL.MP.No.15096 of 2019*

WEB COPY

medical certificate through him. Since there are *prima facie* materials to bind the 2nd accused also in this case, FIR has been registered against him.

6. The facts whether the petitioner/2nd accused is known to the 6th accused and whether the 2nd accused had influenced A4 & A5 for issuing a medical certificate in favour of the 6th accused cannot be imagined at this stage even before the investigation is concluded. In the FIR, it is stated that the Doctor(A5), who had issued the medical certificate has stated that he relied on the statement made by the 2nd accused to him about the disease, for which the 6th accused was suffering. Hence, the petitioner/2nd accused is the named accused and his overtact has been stated in the FIR itself.

7. At the threshold stage, the Court cannot come to any presumptive conclusion that the petitioner/2nd accused did not have any role. Hence, the Court cannot stop the investigation as against the petitioner/2nd accused. I do not find that this is a fit case to be quashed under Section 482 Cr.P.C.



*Crl.O.P.No.28285 of 2019
and CRL.MP.No.15096 of 2019*

WEB COPY

8. In the result, this Criminal Original Petition is dismissed.

Consequently, connected Miscellaneous petition is closed.

23.01.2023

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation Case: Yes/No

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To

1. The Inspector of Police,
CCB, Coimbatore.
2. The Public Prosecutor,
High Court of Madras,
Chennai-600 104.



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*Crl.O.P.No.28285 of 2019
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R.N.MANJULA, J

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Crl.O.P.No.28285 of 2019
and CRL.MP.No.15096 of 2019

23.01.2023