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Crl.O.P.No.32708 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.32708 of 2022

and

Crl.M.P.No.20233 of 2022

G.M.Shanmugam

... Petitioner

Vs.

1.The State Rep. by
The Inspector of Police,
Marandahalli Police Station,
Dhamapuri District.
Crime No.302 of 2021.

2.C.Balasubramaniam

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the impugned FIR in Crime No.302 of 2021 on the file of the first respondent police, quash the same.

For Petitioner : Mr.C.Harish

For Respondents : Mr.S.Santhosh for R1,
Government Advocate (crl.side)



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ORDER

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2. The learned counsel for the petitioner submitted that petitioner is a Pharmacist and he has been completed D.Pharm Course and therefore, he is entitled to sell medicines. The respondent police foisted this case against him. In support of his submission, the learned counsel for the petitioner produced the copies of the petitioner's educational certificates and certificates given for clearing D.Pharm course and Diploma in Community Medical Service & Essential Drugs 2018 to 2019. Hence, the present petition has been filed for the aforesaid relief.

3. Per contra, learned Government Advocate (crl.side) for the first respondent submitted that the allegation against the petitioner is that without actually completing MBBS course, he prescribed medicines and injections to general public. He further submitted that the certificates produced by the petitioner, registered under Tamil Nadu Pharmacy Council, Chennai, is proven to be fake and forged document. Investigation in this case is pending.



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4. Considered the rival submissions made by both the parties. The allegations made in the FIR shows that on secret information regarding fake Doctors are prescribing medicines to general public, the first respondent police, on 07.07.2021, at about 14.45 hrs., visited the shop of the petitioner, where, they had found that the petitioner Shanmugam, without completing the MBBS course, was selling medicine to the general public after treating them. On enquiry, he produced the Certificate to show that he completed D.Pharm course and then the certificate issued by Tamil Nadu Pharmacy Council Chennai. After examination of the certificate, they found that one of the Certificates given by the petitioner is fabricated and forged document. Therefore, the complaint came to be registered. The allegations made in the complaint clearly shows that the petitioner without completing MBBS or other course to practice medicine, prescribed medicines to the general public. This petitioner had sold the medicine with the intention to earn money.

5. Considering the fact that investigation is at the beginning stage and the allegations make out cognizable offences as against the petitioner and it requires proper investigation by the first respondent, this Court is not inclined to quash the FIR in Crime No.302 of 2021 on the file of the first respondent police.



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G.CHANDRASEKHARAN,J.

shk

6. Accordingly, this Criminal Original petition stands dismissed.

Consequently, connected Criminal Miscellaneous Petition is closed.

05.01.2023

shk

To

- 1.The Inspector of Police,
Marandahalli Police Station,
Dhamapuri District.
2. The Public Prosecutor,
High Court of Madras.

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and
CrL.M.P.No.20233 of 2022