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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2024

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

CrI.O.P(MD)No.2211 of 2023
and
CrI.M.P(MD)No.1943 of 2023

S.K.Haja Mohideen

... Petitioner

Vs

1. The Inspector of Police,
Iluppur Police Station,
Pudukottai District.
(Crime No.89 of 2005).

2. S.Manimegalai

... Respondents

PRAYER: Criminal Original petitions have been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to call for the records of impugned First Information Report in Crime No.89 of 2005 on the file of the respondent No.1 Police station and quash the same as illegal as against the petitioner.



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For Petitioner : Mr.A.Abdul Kabur

For R1 :Mr.S.Ravi
Additional Public Prosecutor

ORDER

This petition has been filed to quash the FIR in Crime No.89 of 2005, pending investigation on the file of the first respondent.

2.The case of the prosecution is that the second respondent received complaint to the effect that the petitioner is working as a Pharmacist in a Government Hospital and he was providing treatment to patients as if he is a Doctor. On inspection made on 23.06.2005, the incriminating materials were seized and the FIR came to be registered for the offence under Sections 15(2), 15(3) of Tamil Nadu Medical Council Act, 1956 and Sections 419, 420, 338 and 471 IPC.

3.Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.



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4. In the instant case, the FIR was registered in the year 2005 and it is almost twenty years since this FIR was registered. The learned Additional Public Prosecutor on instructions submitted that initially, the final report was filed before the learned Judicial Magistrate, Keeranur. Due to the constitution of new Courts, it was transferred to the file of the learned District Munsif Cum Judicial Magistrate, Ilupur. Thereafter, the papers were not able to be traced.

5. Taking into consideration the facts and circumstance of the case and also of the fact that almost twenty years have passed by since the alleged incident had taken place, no useful purpose will be served in prosecuting this case at this length of time. This is more so since the so called final report filed in this case has not even been traced till date.

6. In view of the above, this Court is inclined to exercise its jurisdiction under Section 482 Cr.P.C and quash the FIR in Crime No.89 of 2005 pending on the file of the first respondent. Accordingly, the same is quashed.



7.In the result, this criminal original petition is allowed.

Consequently, the connected miscellaneous petition is closed.

05.11.2024

Internet :Yes
Index :Yes/No
NCC :Yes/No
LR

To

1. The Inspector of Police,
Iluppur Police Station,
Pudukottai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH, J.

LR

Crl.O.P(MD)No.2211 of 2023

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