



CRL OP(MD). No.4660 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 05.02.2024

CORAM

The Hon`ble Mr.Justice M. DHANDAPANI

**CRL OP(MD) No.4660 of 2022
and Crl.M.P.(MD) Nos.3289 and 3104 of 2022**

Carmel Rani

... Petitioner

Vs

1. The State Rep by,
The Inspector of Police,
Marthandam,
Kanniyakumari District.
(Crime No.116 of 2022)

2. Prakalathan,
MD (GM), Joint Director,
Medical and Rural Health Services,
Kanniyakumari (L),
Nagercoil.

... Respondents

PRAYER :- Criminal Original Petition file under section 482 of Cr.P.C.,
to call for the entire records connected with the impugned FIR in Crime
No.116 of 2022 dated 23.02.2022 on the file of the Respondent No.1 and
quash the same.

For Petitioner : M/s. B.Dhansekaran

For Respondents : M/s. S. Manikandan for R1
Government Advocate (Crl.Side)



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No Appearance for R2

ORDER

This petition has been filed to quash the FIR in Crime No.116 of 2022 dated 23.02.2022 on the file of the Respondent No.1.

2.The case of the prosecution is that on the complaint given by one Josephine, a case has been registered in Crime No.116 of 2022 by the respondent police under Section 15(3) of the Indian Medical Council Act, 1956 and Section 420 IPC. It is alleged in the complaint that the petitioner is practising Doctor in Homoeopathy and she has given allopathic treatment to Josephine and received a sum of Rs.700 for the treatment. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a duty Doctor and she did not give any treatment to the complainant. He would submit that the petitioner has been falsely implicated in this case and hence, prays for interference.



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4.The learned Government Advocate (Crl. Side) would however submit that the petitioner being a qualified Homoeopathy Doctor without any qualification in allopathy medicine, she has performed treatment and hence, investigation is to be conducted and at the threshold the FIR could not be quashed.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

6. Considering the facts and circumstances of the case and considering the allegation made against the petitioner, it is for the respondent police to conduct investigation with regard to the fact that whether the petitioner is a duty Doctor or practised allopathy. Hence, at the threshold no interference is warranted to the FIR and the investigating agency shall conduct the investigation in the manner known to law. Accordingly, this criminal original petition is dismissed. Consequently connected Miscellaneous Petitions are closed.

05.02.2024

RR

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TO

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M.DHANDAPANI. J

RR

**ORDER
IN
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