



W.P.No. 5760 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No. 5760 of 2025

Rajkumar

.... Petitioner

Vs

1.The Inspector of Police
Morappur Police Station,
Dharmapuri District.

2.The Chief Medical Officer,
Harur Medical Officer,
Harur Taluk,
Dharmapuri District

.... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents herein to de-seal the premises situated at No.3/186 North Ground Floor Shop No.01 from west, Morappur to Dharmapuri Main Road, Gopinathampatti post, Gopinathampatti, Harur Taluk, Dharmapuri District based on the petitioner's representation to the 2nd respondent dated 17.10.2024.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)



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ORDER

This Writ Petition has been filed seeking a direction to de-seal the premises situated at No.3/186 North Ground Floor Shop No.01 from west, Morappur to Dharmapuri Main Road, Gopinathampatti post, Gopinathampatti, Harur Taluk, Dharmapuri District.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is a Pharmacist and registered with the Tamil Nadu Pharmacy Council, Chennai. He obtained a license to run a medical shop at No.3/186 North Ground Floor Shop No.01 from west, Morappur to Dharmapuri Main Road, Gopinathampatti post, Gopinathampatti, Harur Taluk, Dharmapuri District. While being so, based on a complaint lodged by the District Medical Officer, viz., the second respondent, an FIR has been registered as against the petitioner in Crime No.196 of 2024 for the offences punishable under Sections 318(4) of Bharatiya Nyaya Sanhita, 2023 read with Section 15(3) of the Indian Medical Council Act 1956. It is alleged that the petitioner was practicing allopathy medicine without possessing the requisite qualifications. On



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inspection, medical instruments viz., BP Apparatus and other allopathy medicines in his medical shop were found. Pursuant to the registration of the FIR, the shop of the petitioner was sealed by the first respondent.

4. The learned counsel for the petitioner would submit that the petitioner was running a medical shop and had never prescribed allopathy medicine. He further submitted that the petitioner was not in possession of BP Apparatus and mere possession of certain medicines would not amount to practicing in allopathy. The petitioner was arrested and subsequently, released on bail.

5. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that the petitioner has undertaken not to practice allopathy medicine in future and therefore, the request made by the petitioner may be considered.

6. In view of the above, the petitioner is directed to file an affidavit of undertaking not to practicing allopathy medicine in future before the first respondent. On receipt of such an undertaking, the first respondent is directed to de-seal the premises situated at No.3/186 North



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Ground Floor Shop No.01 from west, Morappur to Dharmapuri Main

WEB COPY Road, Gopinathampatti post, Gopinathampatti, Harur Taluk, Dharmapuri

District. The first respondent shall also proceed with the investigation and complete the same within a period of two weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. No costs.

19.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To

1.The Inspector of Police
Morappur Police Station,
Dharmapuri District.

2.The Chief Medical Officer,
Harur Medical Officer,
Harur Taluk,
Dharmapuri District

3.The Public Prosecutor,
High Court of Madras, Chennai.



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G.K.ILANTHIRAIYAN, J.

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