



Crl.O.P.(MD)No.2405 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.2405 of 2025

and

Crl.M.P(MD) No.1670 of 2025

Kanagaraj

.. Petitioner

Vs.

1. The Inspector of Police
Ammayanaickanur Police Station
Dindigul District

2. Dr.K.S. Vinoth

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the First Information Report in Crime No. 69 of 2023 dated 11.04.2023 on the file of the first respondent police.

For Petitioner : Mr.P.Krishnasamy

For Respondents : Mr.M.Sakthi Kumar
No.1 Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.69 of 2023 on the file of the first respondent police.



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2. The learned counsel appearing for the petitioner would submit that the first respondent police registered a false case against the petitioner in Crime No. 69 of 2023 for the offences under Sections 15(3), 25 of Indian Medical Council Act and Section 420 of IPC based on the complaint given by the second respondent. According to the complaint the petitioner was giving medical treatment to the local persons without any valid certificate and license and he is disqualified to do medical practice in Alopathy treatment. Infact the defacto complainant lodged a false complaint against the petitioner and t the petitioner has not committed any such offence. The respondent police without conducting proper enquiry registered this case. There is no specific overt act attributed as against the petitioner and the respondent police failed to appreciate the fact that now the present complaint has been lodged on previous motive. Even as per the contents in the First Information Report no any ingredients to constitute the offence, therefore the pending First Information Report is liable to be quashed.

3. The learned Government Advocate(Crl.Side)appearing for the first respondent would submit that based on the complaint given by the second respondent the first respondent registered a case in Crime No.69 of



2023 for the offences under Sections 15(3), 25 of Indian Medical Council Act and Section 420 of IPC and now the case is under investigation. As per the complaint this petitioner without any qualification treated the petitioner as allopathy medical practitioner. The petitioner is not a qualified person to give allopathy treatment, however he used to give allopathy treatment to the patients. He would further submit that they will complete the investigation within a short span of time, hence seeks dismissal of the petition.

4. Heard both sides and perused the materials available on record.

5. According to the petitioner based on the false complaint given by the second respondent due to previous motive the present First Information Report has been registered without any enquiry. According to the first respondent, based on the complaint given by the second respondent that the petitioner being a Siddha doctor giving allopathy treatment to the patients the present case has been registered..

6. This Court also perused the records. As per the First Information Report there are some allegations to constitute the offence and therefore



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the matter has to be investigated elaborately. The respondent police also not completed the investigation and the investigation is still pending. At this stage without any material this Court cannot curtail the investigation of the respondent police, hence the present petition is liable to be dismissed.

7. In view of the same, this Criminal Original Petition stands dismissed. Consequently connected miscellaneous petition stands closed. However the petitioner is at liberty to challenge the final report if any filed the respondent police if it is adverse to him.

07.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Inspector of Police
Ammayanaickanur Police Station
Dindigul District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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