

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrL.O.P.No.16964 of 2017  
and CrL.M.P.No.10438 of 2017

Balamuralidharan

.. Petitioner

Vs

1. State rep. by its  
The Inspector of Police,  
Veppur Police Station,  
Cuddalore District.  
(Crime No.230 of 2017)

2.Saminathan

.. Respondents

**Prayer :-** Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the FIR in Crime No.230 of 2017 on the file of the 1st respondent and to quash the same.

For Petitioner : Mr.M.Subash Babu

For Respondents

R1 : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

R2 : No appearance

**ORDER**

This petition has been filed to quash the investigation in Crime No.230 of 2017, on the file of the 1<sup>st</sup> respondent.

2.The learned counsel for the petitioner submitted that the petitioner has possessed Diploma in Acupuncture and has also completed

Bachelor of Electropathy Medicine and Surgery at Cure Medical Institute of

Electropathy and Hospital, Vellore authorized by N.E.H.M. Of Indian Central Board, New Delhi. He is a qualified person to practice Homeopathy medicine and Acupuncture from the year 2000 and he is legally qualified to practice Homeopathy and Acupuncture anywhere in India except Jammu and Kashmir. The petitioner is running a medical shop in the name and style of 'Monisha Medical' after obtaining proper licence from the Assistant Director of Drugs Control, Trichirapalli Zone, Trichy and he has been renewing the same from time to time. However, without considering the same, the second respondent foisted false complaint as against the petitioner for the offences under Section 15(3) of Indian Medical Council Act, 1956 and the first respondent has registered a case in Crime No.230 of 2017. Hence, the petitioner has filed the present petition with the aforesaid prayer.

3.The learned Additional Public Prosecutor submitted that the petitioner did not produce any documents with regard to his qualification, registration etc., at the time of inspection. He further submitted that the petitioner without possessing any valid qualification was practising allopathy medicine. Therefore, the charges against him are clearly made out and prays for dismissal of the petition.

4.Heard Mr.M.Subash Babu, learned counsel for the petitioner and

M.Mohamed Riyaz, learned Additional Public Prosecutor for the 1<sup>st</sup> respondent.

5.The petitioner herein is the sole accused in Crime No.230 of 2017, for the offence under Section 15(3) of Indian Medical Council Act, 1956. It is seen that the petitioner has possessed Diploma in Acupuncture and has also completed 4 years course of Bachelor of Electropathy Medicine and Surgery at Cure Medical Institute of Electropathy and Hospital Vellore, which is authorized by N.E.H.M of India Central Board, New Delhi. He has also completed Master of Science (MS) in counselling and Psychotherapy from 2004 to 2006 and possessed the certificate issued by Institute of Psychotherapy and Management Science, Mumbai. Further, the petitioner's name has been mentioned in Roll No.1051 in the Government of Tamilnadu Gazette on 04.11.2000, which discloses that the petitioner is entitled to practice Homeopathy medicine and Acupuncture. This shows that the petitioner can practice homeopathy and Acupuncture. Hence, there is no question of cheating the public. This Court has repeatedly held that the medical practitioners should not be disturbed under the guise of enquiry by the Police Authorities and it amounts to harassment also.

**G.K.ILANTHIRAIYAN. J.**

6.Considering the above facts and circumstances of the case, the pendency of the investigation in Crime No.230 of 2017, is nothing but a clear abuse of process of law. To meet the ends of justice, the F.I.R registered in Crime No.230 of 2017, before the 1<sup>st</sup> respondent police, is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is also closed.

15.04.2019

Internet:Yes  
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To

1.The Inspector of Police,  
Veppur Police Station,  
Cuddalore District.  
(Crime No.230 of 2017)

2.The Public Prosecutor,  
High Court, Madras.

**WEB COPY** Crl.O.P.No.16964 of 2017  
and Crl.M.P.No.10438 of 2017