



CNR: KAHC010167622023

NC: 2026:KHC:48913
WP No. 7407 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 08TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION No.7407 OF 2023 (GM-RES)

BETWEEN:

DR SANDHYA S
GYNAECOLOGIST AND OBSTETRICIAN
AGED 40 YEARS
R/AT NO 5, 7TH MAIN
R K SHELTERS,
KUVEMPUP NAGAR
DODDA KALASANDRA
KANAKAPURA ROAD
BENGALURU – 560 062

...PETITIONER

(BY SRI SANDEEPANI A. NEGLUR AND SRI PRAKASHA.A
FOR SRI NEGLUR ARAVIND, ADVOCATES)

AND:

1. THE STATE
REPRESENTED BY
J P NAGAR POLICE STATION
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU - 01
2. SRI KESHAVAMURTHY
S/O LATE PAPANNA C
MAJOR
RESIDING AT NO.7
4TH CROSS, T G LAYOUT
DATTATREYA TEMPLE STREET
ITTAMADU, BSK III STAGE

Digitally
signed by R
MANJUNATHA
Location:
HIGH COURT
OF
KARNATAKA



CNR: KAHC010167622023

NC: 2026:KHC:48913
WP No. 7407 of 2023

BENGALURU -560 085

...RESPONDENTS

(BY SMT.WAHEEDA.M.M, HIGH COURT GOVERNMENT PLEADER
FOR R1;

SRI B.R.DEEPAK, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA R/W SECTION 482
CODE OF CRIMINAL PROCEDURE PRAYING TO QUASH THE
CHARGE SHEET FILED BY THE 2ND RESPONDENT POLICE IN
C.C.NO.29209/2018 FOR THE OFFENCE PUNISHABLE UNDER
SECTION 304(A) OF INDIAN PENAL CODE PENDING ON THE
FILE OF 44TH ADDL. CHIEF METROPOLITAN MAGISTRATE,
BENGALURU WHICH IS AT ANNEXURE-D IN CONTINUATION OF
FIR IN CRIME NO.744/2013 REGISTERED ON THE BASIS OF
THE FIRST INFORMATION LODGED BY THE 2ND RESPONDENT
HEREIN WHICH IS AT ANNEXURE-A AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING
IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri Sandeepani A. Neglur, learned counsel for the
petitioner/accused No.2, Smt.Waheeda M.M, learned High
Court Government Pleader for respondent No.1 and Sri
B.R.Deepak, learned counsel for respondent No.2.



CNR: KAHC010167622023

2. Petitioner is the junior Doctor said to have treated the deceased at Apollo Cradle Hospital within the jurisdiction of J.P.Nagar Police Station, Bengaluru.

3. Present petition is filed with the following prayer:

(a) Quash the charge sheet filed by the 2nd respondent Police in C.C.No.29209/2018 for the offence punishable under Section 304(A) of IPC pending on the file of XLIV Additional Chief Metropolitan Magistrate, Bengaluru, which is at Annexure-D, in continuation of FIR in Crime No.744/2013 registered on the basis of the first information lodged by the 2nd respondent herein which is at Annexure-A, consequently:

(b) Quash all proceedings in C.C.29209/2018 pending on the file of XLIV Additional Chief Metropolitan Magistrate, Bengaluru, insofar as it relates to this petitioner who is accused No.2 therein in the interest of justice."

4. Facts leading to register the FIR reads as under:

4.1 Smt.Vedavathi was a pregnant woman who visited the Apollo Cradle Hospital on 16.10.2013 wherein she was admitted as an inpatient at about 08.30 a.m. At about 05.52 p.m. there



CNR: KAHC010167622023

was a surgery conducted and the child was safely delivered through C-section. But, soon after the surgery, the health condition of Smt.Vedavati started to deteriorate. Same was brought to the notice of the doctors. But there was no proper treatment and there was a total negligence in treating Smt.Vedavati.

4.2 Thereafter, noting the deteriorating health condition, Smt.Vedavati was shifted to Apollo Hospital, B.G. Road and ultimately she succumbed on 27.10.2013.

4.3 In that regard, a complaint was lodged which was registered by J.P.Nagar Police in Crime No.744/2013 dated 27.10.2013 under Section 304A of the Indian Penal Code. Police after thorough investigation filed the charge sheet.

5. In column No.17 of the charge sheet, it has been mentioned that Dr.Sandhya.S/petitioner-accused No.2 was intimated about the pain in the surgery site and a pain killer was administered by petitioner/accused No.2. Again at 09.30 p.m., Smt.Vedavati suffered severe breathing problem and presence of Gynecologist was secured only by 09.45 p.m.



CNR: KAHC010167622023

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WP No. 7407 of 2023**

6. Immediately the gynecologist took note of the deteriorating health condition and intimated the complainant that there is no facility of Intensive Care Unit in their hospital and therefore shifted Smt.Vedavati to higher medical care.

7. Investigation Officer noted that negligence shown by the accused persons including the present petitioner resulted in death of Smt.Vedavati and therefore filed the charge sheet for the offence under Section 304A of the Indian Penal Code.

8. Learned counsel for petitioner reiterating the grounds urged in the petition would contend that the petitioner herein was only a duty doctor who had no role to play insofar as the death of Smt.Vedavati is concerned, which incident has taken place ten days after she was discharged from the Apollo Cradle Hospital.

9. Therefore, the police ought not to have filed charge sheet against the petitioner and thus sought for allowing the petition.

10. *Per contra*, Smt.Waheeda, learned High Court Government Pleader would support the filing of charge sheet.



CNR: KAHC010167622023

She would contend that the grounds urged in the petition are more in the nature of defence which ought to be argued in the trial and thus sought for dismissal of the petition.

11. Having heard the arguments of both sides, this Court noted that the present petitioner also treated the deceased in the hospital.

12. On careful perusal of material on record, it is found that, in fact, there is a specific mention about the role played by the present petitioner while Smt.Vedavati was in the Apollo Cradle Hospital.

13. It is also found that the Investigation Officer has taken note of these aspects of the matter and after thorough investigation, found that negligence is attributable to the present petitioner as well, apart from accused Nos.1 and 3.

14. Anyway, whether the action or inaction or negligence attributed to the present petitioner in the incident cannot be decided by this Court at this stage by holding a mini trial.



CNR: KAHC010167622023

NC: 2026:KHC:48913
WP No. 7407 of 2023

Suffice to say that *prima facie* such negligence is available in the material collected by the Investigating Agency.

15. So far as the grounds urged in the petition are concerned, as rightly pointed out by the learned High Court Government Pleader, are more in the nature of defence which is to be considered by the learned Trial Judge during the trial.

16. Therefore, expressing any opinion at this stage by this Court, that too, in the writ jurisdiction is totally uncalled for.

17. As such, the following:

ORDER

- (i) Writ Petition is ***dismissed***.
- (ii) Petitioner is at liberty to urge all available defences in accordance with law.

Sd/-
(V SRISHANANDA)
JUDGE

kcm
List No.: 1 Sl No.: 74
CT:VR