



CNR: KAHC010281712019

NC: 2026:KHC:39833
WP No. 41745 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 41745 OF 2019 (GM-RES)

BETWEEN:

MR. V. R. RAMAKRISHNA
AGED ABOUT 43 YEARS,
S/O. RAMABHOVI,
AT PRESENT WORKING AS
CIVIL HEAD CONSTABLE,
DY. S. P. OFFICE,
HOLENARASIPURA-573 211.

...PETITIONER

(BY SRI.BAGALAHALLY VISWESWARAIAH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THE STATION HOUSE OFFICER,
HASSAN EXTENSION POLICE STATION,
HASSAN CITY, HASSAN,
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
HIGH COURT BUILDING,
BANGALORE-560 001.
2. THE KARNATAKA MEDICAL COUNCIL
NO.16/6, 2ND FLOOR,
MILER TANK ROAD BED AREA,
VASANATHNAGAR,
BANGALORE-560 062,
REPRESENTED BY ITS PRESIDENT.

...RESPONDENTS

(BY SRI.MAHANTESH SHETTAR, AGA FOR R1;
SRI.DORERAJ B.H., ADVOCATE FOR R2)

Digitally
signed by
SUMA B N
Location:
HIGH COURT
OF
KARNATAKA



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE LETTER DATED 23.04.2015 ISSUED BY THE R-1 TO THE PRESIDENT, KARNATAKA MEDICAL COUNCIL, BANGALORE i.e. ANNEX-C IS ILLEGAL, VOID AB-INITIO AND WITHOUT JURISDICTION AND THE SAME IS IN GROSS VIOLATION OF THE DECISION OF HON'BLE APEX COURT REPORTED IN (2005) 6 SCC 1, BETWEEN JACOB MATHEW VS STATE OF PUNJAB AND ANOTHER (PARA 52) AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

Petitioner, who had availed the medical service at Mangala Hospital, Hassan, being dissatisfied with the medical treatment rendered, had filed a complaint on 12.03.2015 before the concerned Police Station alleging medical negligence. Based on the complaint, an FIR in Crime No.47/2015 was registered. A communication was forwarded by the jurisdictional Police to the Medical Council - respondent No.2. Medical Council - respondent No.2 registered case in enquiry No.KMC/ENQ/24/2015 against the treating Doctor, namely, Dr.M.M.Shettar. By



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order dated 13.07.2019 as per Annexure-D, after holding an enquiry, Medical Council has exonerated the said treating Doctor.

2. Being aggrieved by the same, the petitioner is before this Court.

3. Heard learned counsel for the parties and perused the material on record.

4. On perusal of the material on record, it is evident that there is an alternate remedy of appeal provided in terms of Sections 27 and 30(3) of the National Medical Commission Act, 2019 and also Regulation 8.8 of Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002.

5. In view of the aforesaid, the petition is hereby ***disposed of*** reserving liberty in favour of the petitioner to avail such appeal remedy as provided under the said Act.



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6. It is made clear that if such an appeal is filed within a period of 30 days from the date of receipt of certified copy of this order, the time consumed in prosecuting the present petition shall be considered for condonation of delay.

**Sd/-
(M.G.S. KAMAL)
JUDGE**

MDS;
List No.: 1 SI No.: 12