IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP Nos. 20431 & 20362 of 2015

Dr.Uma Sundari.N
W/o.Dr.K.Saravanan,
Sundaram Hospital,
21A, Devarajanar Street,
Vedachala Nagar,
Chengalpet – 603 001. ...Petitioner in both Crl.OPs

Vs

1. State by
   Inspector of Police,
   Law and Order,
   Chengalpet Town Police Station,
   Chengalpet. ...1st respondent in both Crl.OPs

2. Devendran ...2nd respondent in both Crl.OPs
   5th Respondent in W.P.No.20431/15

3. Komala .. 3rd respondent in Crl.OP.20431/15
   4th respondent in Crl.OP.20362/15

4. Kumutha .. 4th respondent in Crl.OP.20431/15
   5th respondent in Crl.OP.20362/15

5. Deenadayalan ...3rd respondent in Crl.OP.20362/15

Prayer in Crl.OP.20431 of 2015:- Criminal Original Petition is filed under Section 482 Cr.P.C., praying to direct first respondent to register a case on the basis of the complaint lodged by the petitioner dated 29.06.2015 and for which the first respondent issued the Receipt No.189 of 2015 against the respondents 2 to 5 and investigate the matter in accordance with law and file final report with the time stipulated as expeditiously as possible.

Prayer in Crl.OP.20362 of 2015:- Criminal Original Petition is filed under Section 482 Cr.P.C., praying to direct the respondent to provide Police Protection to the petitioner and to the

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petitioner's hospital namely Sundaram Hospital at 21A, Devarajanar Street, Vedachala Nagar Chengalpet – 603 001.

For Petitioner : Mr.S.Xavier Felix [in both Crl.OPs]

For Respondents : Mr.C.Emalias [for R1 in both Crl.OPs]
Additional Public Prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed praying to direct the first respondent to register a case on the complaint dated 29.6.2015 given by petitioner and file a final report (in Crl.OP.20431 of 2015) and to direct the respondent Police to provide Police Protection to the petitioner and her hospital (in Crl.OP.20363 of 2015) respectively.

2. Heard the learned counsel for the petitioner and Mr.C.Emalias, the learned counsel appearing for the first respondent.

3. It is seen that one Sulochana was admitted as patient into this petitioner's hospital on 20.06.2015 and despite best medical treatment, it appears that the doctors were not able to save the life of the said Sulochana. The family members of Sulochana believed that no proper treatment was given to her by the hospital, which ofcourse is being strongly refuted by the petitioner.

4. It is alleged by the petitioner that the family members and relatives of the said Sulochana are threatening the petitioner, day in and day out and causing disturbances in smooth running of the hospital. Therefore, this petitioner has given a complaint dated 29.06.2015 to the respondent Police for appropriate action. This petitioner has also sought Police protection for her and for the hospital.

5. Without going into the disputed questions, it may be relevant to state here that doctors are protected by The Tamil Nadu Medical Service Persons ad Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act 2000 (Act 48 of 2008). It is also the duty of the Police to afford sufficient protection to them against assault by the disgruntled patitients.

6. Today, Mr.M.Jayaraman, Sub-Inspector of Police, Chengalpet is present. The learned Additional Public Prosecutor, on instruction submits that normalcy has been restored in the hospital and that there is no threat to the petitioner.

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7. Recording the submissions of learned Additional Public Prosecutor, this Court directs the Inspector of Police to conduct enquiry, under the superivision of the Assistant Superintendent of Police, Chengalpet and take action in accordance with law. Necessary Police protection may also be afforded to the petitioner's hospital, so that no untoward incident takes place.

8. With the above directions, these Criminal Original Petitions are closed.

14.08.2015

For Being Mentioned

This matter having been listed under the Caption for Being mentioned on Wednesday, the 19th day of August, 2015 in pursuant to the order dated 14.08.2015 made in Crl.O.P.No. 20431 & 20362 of 2015 in the presence of the above said Advocate, the court made the following order:

This Court passed final orders in these petitions on 14.08.2015 and thereafter, at the instance of the learned counsel for the petitioner that there is a serious error in the order, the matter is posted today 'for being mentioned'.

2. In paragraph 3 of the order, it is stated as follows:-

> "It is seen that one Sulochana was admitted as patient into this petitioner's hospital on 20.06.2015 and despite best medical treatment, it appears that the doctors were not able to save the life of the said Sulochana."

3. The learned counsel for the petitioner submits that Sulochana did not die but she was saved on account of timely medical intervention by admitting her to another hospital.

4. In view of the above, paragraph No. 3 should be read as follows:-

> "It is seen that one Sulochana was admitted as patient into the petitioner's hospital on 20.06.2015 and since she developed certain complications, she was rushed to another hospital where her life was saved. The family members of Sulochana believed that no proper treatment was given to her by the hospital, which of-course is

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being strongly refuted by the petitioner."

5. Registry is directed issue fresh order copy to the petitioner.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

ds
VSG

To

1. The Inspector of Police,
   Law and Order,
   Chengalpet Town Police Station,
   Chengalpet.

2. The Assistant Superintendent of Police,
   Chengalpet.

3. The Public Prosecutor,
   High Court, Madras.

2 CCs to Mr.S.Xavier Felix, Advocate SR.No. 43790

Crl.OP No.20431 & 20362 of 2015

SKV (CO)
PSI (17.08.2015)

RJ (CO)
PSI 20.08.2015

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