

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.33314 of 2015
and
M.P.No.1 of 2015

P.Vittoba

... Petitioner

Vs

1. The Government of Tamil Nadu,
Represented by its Secretary,
Home Department, Fort St. George,
Chennai - 600 009.
2. The District Collector,
Office of the Collectorate,
Singaravelar Maligai,
Rajaji Salai, Chennai - 600 001.
3. The Tahsildar,
Aminjikarai Taluk,
No.4, West Mada Street,
Koyambedu,
Chennai - 600 107.
4. The Inspector of Police (L&O),
K-3, Aminjikarai Police Station,
3rd Avenue, Anna Nagar East,
Chennai - 600 102.
5. The Tahsildar,
Perambur Taluk,
Perambur, Chennai - 600 011.
6. The Managing Director,
Billroth Hospital,
No.43, Lakshmi Talkies Road,
Shenoy Nagar, Chennai - 600 030.

7. Dr.Chakravarthi Alapathi,
Consultant Intensivist and HOD,
Department of Critical Care Medicine
Billroth Hospital,
No.43, Lakshmi Talkies Road,
Shenoy Nagar, Chennai - 600 030.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the 4th respondent to register the petitioner's complaint dated 03.09.2015 as contemplated under Section 154 Cr.P.C. for an offence 304A of IPC against 6th and 7th respondents to conduct the investigation and also to file final report before this Court.

For Petitioner : Mr.R.Suresh Babu

For Respondents : Mr.Mohammed Riyaz
1 to 5 Government Advocate (Crl.side)

O R D E R

This writ petition has been filed for a writ of Mandamus directing the 4th respondent to register the petitioner's complaint dated 03.09.2015 as contemplated under Section 154 Cr.P.C. for an offence 304A of IPC against 6th and 7th respondents to conduct the investigation and also to file final report before this Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondents 1 to 5.

3. It is seen that the petitioner's mother aged about 80 years was admitted in the 6th respondent hospital on 08.07.2015 and at the time of admission, she suffered from DIABETES MELLITUS, HYPERTENSION, OLD CVA LEFT HEMIPARESIS, FRACTURE NECK OF FEMUR. Hbs Ag + ve. CHRONIC OBSTRUCTIVE PULMONARY DISEASE. She was given treatment in the 6th respondent hospital and ultimately, discharged from the hospital on 23.07.2015. Again, she was admitted in the hospital on 13.08.2015 and at the time of admission, she was found to be having renal problem. While she was admitted in the hospital on 13.08.2015, the cause noted in the discharge summary as

" DIAGNOSIS : CARDIORESPIRATORY ARREST SECONDARY TO
SEPSIS WITH MULTIORGAN DYSFUNCTION
SYNDROME
CORONARY ARTERY DISEASE
SEVERE LV DYSFUNCTION
CHRONIC KIDNEY DISEASE
SEVERE METABOLIC AND LACTIC ACIDOSIS
OLD CVA
HBSAG POSITIVE
HYPERTENSION
DIABETES MELLITUS."

Now, it is contended by the petitioner that the 6th respondent hospital has not properly given treatment to the petitioner's mother and the petitioner has lodged a complaint, based on which, petition enquiry is pending in CSR No.411/2015. The Hon'ble Supreme Court in Jacob Mathew Vs. State of Punjab (2005 AIR SCW 3685) has laid down the parameters under which police investigation can be done in cases relating to death due to medical negligence.

4. In this case, the petitioner's mother was aged about 80 years and at the time of first admission, she was found to have fracture neck of femur. She was given treatment and discharged from the hospital on 23.07.2015. Again, she was admitted in the hospital on 13.08.2015 and discharged on 15.08.2015. Hence, this Court does not prima facie find anything wrong in the treatment given to the petitioner's mother warranting police investigation.

In view of the above, the writ petition is dismissed as devoid of merits. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Secretary,
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+1cc to M/s.A.L.Raja Raman, Advocate, S.R.No.57891

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PA (CO)
CA(19/11/2015)



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