

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

Criminal Petition No.1021 of 2011

Between :-

Dr.Natta Sailaja

.. Petitioner

And

Mesupama Jaya Raju and another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 21-07-2015

SUBMITTED FOR APPROVAL:

-

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

- | | |
|---|--------|
| 1. Whether Reporters of Local Newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of Judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether His Lordship wish to see
the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No.1021 of 2011

ORDER:-

The petition is filed under Section 482 Cr.P.C., to quash all

further proceedings in P.R.C.No.94 of 2010 on the file of the Additional Judicial Magistrate of First Class, Thiruvuru.

2. The facts, in brief, are as under:-

The petitioner was working as a Medical Officer at Primary Health Centre, Chatrai where Vijayalaxmi (hereinafter, referred to as 'the deceased') was working as a Staff Nurse. The deceased is the daughter of the *de facto* complainant. The non-petitioner/A.2 is said to be a private worker who used to attend to certain odd works in the Primary Health Centre and in that connection, developed closeness with the Doctor/A.1. The non-petitioner/A.3 was working as a Police Constable attached to Chatrai P.S. It is alleged that the non-petitioner/A.2 has developed likeness towards the deceased and this was being supported by the petitioner/A.1. Due to the said conduct of the Medical Officer/A.1 and the non-petitioner/A.2, the deceased approached A.3 who was working as a Police Constable in Chatrai P.S. It is alleged that taking advantage of his official position, A.3 started threatening the deceased to develop illegal contacts with A.2 or to marry A.2. It is also alleged that the non-petitioner/A.3 was also insisting the deceased to have illegal intimacy with him and threatened that if not, the brother of the deceased will be implicated in some case. The deceased is said to have informed her problem to one Dr.P.Vijay of Vijay Nursing Home (L.W.7) and one B.Ratnam, who was working as a Electronic Media Report in NTV (L.W.9). The accused continued to harass the deceased and unable to bear the same, ultimately the deceased consumed insecticide poison on 19-11-2009. The deceased was immediately taken to Vijay Nursing Home and after first-aid, she was taken to a Hospital at Nuzvid where she was admitted. At that time, the petitioner/A.1 who was working as a Doctor in Nagarjuna Hospital, Vijayawada, advised that the deceased be shifted to Nagarjuna Hospital where she will take proper care. Accordingly, the deceased was brought to Nagarjuna Hospital, Vijayawada on 20-11-2009. The further allegation is that on 29-11-

2009 at about 10.00 a.m., due to excess dose of anaesthesia allegedly administered by the petitioner/A.1, the health of the deceased got deteriorated and she died. The father of the deceased alleged that the persons who were responsible for the death of his daughter were the petitioner/A.1 and the non-petitioners/A.2 and A.3. Crime was registered on the basis of the complaint and after investigation, charge-sheet is filed.

3. The contention of the petitioner/A.1 is that a bare reading of the complaint do not show that the petitioner/A.1 is in any way responsible for the alleged suicide by the deceased. In order to see as to whether the further proceedings in a criminal prosecution can be continued or not what is required to be seen is as to whether the contents of the complaint and the charge-sheet make out any *prima facie* case for subjecting the accused to trial. In the instant case, there are specific allegations against the petitioner/A.1 and also the non-petitioners/A.2 and A.3. The allegations that are contained in the complaint lodged by the father of the deceased are to the effect that the deceased daughter was working as a Staff Nurse in Primary Health Centre, Chatrai where the petitioner/A.1 was working as a Medical Officer. The non-petitioner/A.2 was attending to certain odd jobs and has developed closeness with the petitioner/A.1. The deceased was pretty looking and hence A.2 developed liking towards her. In view of his closeness with the Doctor, it is alleged that A.2 was demanding the deceased to have a relationship with him and the Medical Officer/A.1 was supporting him. Since the deceased was unable to bear the intimidatory tactics of both the petitioner/A.1 and A.2, it is said that she approached A.3 who was a Police Constable at Chatrai P.S., and he also took advantage of the situation and tried to exploit the victim girl. It is alleged that A.3 has asked the deceased to not only develop intimacy with A.2 but also satisfy him, failing which dire consequences were threatened. When these were the surrounding circumstances in which the girl was placed, on 19-11-2009 she felt that there is no

option for her except to commit suicide and for that purpose, she brought some insecticide poison from the hospital, came to her parents house and consumed and when questioned by her brother, she told him as to the reasons for this extreme step by her.

4. The further allegation is that the deceased was being initially treated at Nuzvid Hospital and the petitioner/A.1 being a Doctor and also working with Nagarjuna Hospital at Vijayawada, is said to have advised the brother of the deceased to shift her to Nagarjuna Hospital for better treatment and deceased was brought to Vijayawada Hospital on 20-11-2009. There is specific allegation to the effect that due to excess dose of anaesthesia being administered, the deceased died on 29-11-2009.

5. Learned Counsel appearing for the petitioner relied upon the following authorities:-

S.REKHA PRASAD v. STATE OF A.P. (2002 (2) ALT (CrI) 191 (A.P.); SANJU ALIAS SANJAY SINGH SENGAR v. STATE OF M.P. (2002) 5 SCC 371); SWAMY PRAHALADDAS v. STATE OF M.P. AND ANOTHER (1995 Supp (3) SCC 438); S.S.CHHEENA V. VIJAYKUMAR MAHAJAN AND ANOTHER (2010) 12 SCC 190); PERISETTY SUBRAHMANYAM v. STATE OF A.P. REP.BY PUBLIC PROSECUTOR AND ANOTHER (2010 (2) ALT (CrI) 276 (A.P.); M.RAMESH AND OTHERS v. STATE OF A.P., REP.BY ITS PUBLIC PROSECUTOR (2009 (1) ALT (CrI) 286 (A.P.); and BURA MANOHAR v. STATE OF A.P. (2002 (2) ALT (CrI) 184 (A.P.).

6. I have carefully gone through the authorities cited. In each of the cases, the facts were quite distinct and different. In criminal trial, the facts of one case will never be similar to the facts of the other. In the cases cited above, the circumstances which led to a victim committing suicide were altogether different. On the other hand, in the instant case, a perusal of the complaint clearly shows though, *prima facie*, that it is A.1 whose acts have driven the victim to commit suicide. A.1 was the Doctor and the victim was a nurse in the same hospital. A.1-Doctor

is alleged to have insisted the victim to surrender to the demands of A.2 that was not to the liking of the victim nurse. When the pressure is alleged to have mounted and unable to withstand the same, the victim committed suicide. It is, however, matter of evidence as to whether there is any substance in the allegation that the victim died nearly 10 days after consuming poison due to the excess administration of anaesthesia in a private hospital where A.1 was visiting physician.

7. When such are the nature of the allegations made against the petitioner/A.1 and others, it cannot be said that there is absolutely no material against the petitioner/A.1 to proceed further. The truth will come out only during the course of trial and the culpability or otherwise of the petitioner/A.1 will be known only when the entire material is placed on record. At this stage, there is *prima facie* material to proceed against the petitioner/A.1 and there are absolutely no grounds to quash the proceedings as prayed for. There are no merits in the Criminal Petition and the same is liable to be dismissed.

8. In the result, Criminal Petition is dismissed. Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.Jaiswal, J

21st July, 2015

smr