

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.1047 of 2016

Sivakami

... Petitioner

Vs.

The State rep. by its  
Inspector of Police,  
Nandambakkam Police Station,  
Chennai-89.

.... Respondent

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the respondent-Police to register a criminal case on the basis of the complaint of the petitioner dated 07.01.2016.

For Petitioner : Mr.T.Sivagnanasambandan

For Respondent : Mr.S.Shanmugha Velayutham, PP

\* \* \* \* \*

ORDER

This petition has been filed praying to direct the respondent-Police to register a case based on the complaint dated 07.01.2016 given by the petitioner.

2.It is stated by the petitioner that during the month of November, 2015, the petitioner's husband was admitted in Miot Hospital for treatment and due to medical negligence, her husband died on 03.12.2015. The petitioner's mother-in-law informed the petitioner about the death of her husband and the petitioner's mother-in-law brought the dead body of the petitioner's husband from the hospital. On 07.01.2016, the petitioner lodged a complaint with the respondent-Police to take action against the hospital authorities for causing death to her husband, by negligence. Since the petitioner's complaint was not registered by the respondent-police, the petitioner has come forward with the present petition before this Court.

3. When the matter is taken up for consideration, the learned Additional Public Prosecutor submitted that the petitioner's husband took treatment in Miot Hospital and he died on 03.12.2015. The petitioner received the dead body of her husband and deadbody was also subsequently cremated. After a lapse of one month from the date of the death of her husband, the petitioner has preferred a complaint on 07.01.2016, on the ground of negligence on the part of the hospital authorities. It is further contended by the learned Additional Public Prosecutor that since the dead body of the petitioner's husband has already been cremated, at this juncture, the question of registering the petitioner's complaint does not arise.

4. Heard both sides. I find some force in the submission made by the learned Additional Public Prosecutor. The petitioner's husband died on 03.12.2015 and the dead body was received without any protest and it was subsequently cremated. Now, after a period of nearly one month from the date of cremation of the dead body, the petitioner has preferred the complaint. Hence, I am not inclined to entertain the prayer sought for by the petitioner in this petition.

In fine, the criminal original petition is dismissed.

ssv

-s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,  
Nandambakkam Police Station,  
Chennai-89..

2. The Public Prosecutor,  
High Court, Madras.

+ 1 c to Mr.T.Sivagnanasambandan, Advocate SR 7000

+ 1 cc to Public Prosecutor, High Court, Madras SR 6762

bvr(co)  
prk16/2

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