

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.6287 of 2016

Dr.V.M.Ganesan

.. Petitioner

Vs

The Director of Medical and Rural Health Services
DMS Campus
Teynampet, Chennai-6.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the respondent to complete the enquiry pertaining to Crime No.29 of 2013 pursuant to the proceedings of the respondent in Ref.No.40057/E7/1/2015 dated 19.06.2015.

For Petitioner : M/s.R.Jayaprakash

For respondent : M/s.P.Karthikeyan, Government Advocate.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come up with the present writ petition for issuance of writ of mandamus to direct the respondent to complete the enquiry pertaining to Crime No.29 of 2013 pursuant to the proceedings of the respondent in Ref.No.40057/E7/1/2015 dated 19.06.2015.

3.The petitioner hails from agricultural family and after a huge skirmish completed his M.B.B.S in the year 1996 and post graduation MD (General Medicine) in the year 2003 and also studied higher specialization in Nephrology between 2004-2007 and awarded DNB degree from National Board Examination, New Delhi and started practicing medicine as a Nephrologist at Salem from 2009. The petitioner never indulged in any illegal activities and took part in the expert team of doctors, which conduct kidney transplant treatment. The transplant operations had been conducted after following the rules and regulations which are in existence.

4.While so, the District Crime Branch, Dharmapuri had registered three cases in Cr.Nos.28, 29 and 31 of 2013 dated 10.06.2013 to 12.06.2013. The petitioner is shown as one of the accused in Cr.No.29 of 2013 for the offences under Sections 406, 419, 420, 465, 468, 471, 294(b), 506(ii) and 197 IPC r/w. Section 19 of the Transplantation Act 1994 (Human Organ) based on the complaint given by one Kathiraven, with regard to transplantation operation conducted by the petitioner. The petitioner states that he is no way connected with the Cr.Nos.28 and 31 of 2013, infact, the Cr.No.31 of 2013 ended up in acquittal and the other crime number has not seen the light of the day till date.

5.The petitioner filed Crl.OP.No.17336 of 2013 before this Court to quash the FIR Cr.No.29 of 2013 filed by the Inspector of Police, DCB, Dharmapuri and transferred to the file of Inspector of Police, CBCID, Chennai. The Division Bench of this Court by order dated 18.02.2015 disposed of the criminal original petition, with direction to the respondents 1 and 2 to handover the investigation to the appropriate authority viz., an authorized officer who is empowered to investigate cases of breach of any of the provisions of TOHO and Tissues Act, 1994 in terms of Section 13(3)(iv) of the Act, within a period of four weeks from the date of receipt of copy of this order. Accordingly, the first respondent therein/Inspector of Police, CBCID on 19.06.2015 handed over the entire file to the respondent herein. After receiving the same, the respondent has not initiated any action till date. The petitioner submitted his detailed representation on 03.01.2016 requesting the respondent to initiate investigation, but till date no action has been taken, hence, the petitioner filed the present writ petition.

6.Heard the submissions of learned counsel appearing for the petitioner and the learned Government Advocate who accepts notice on behalf of the respondent.

7.Considering the facts and circumstances, this Court directs the respondent to expedite the enquiry and complete the same pertaining to Cr.No.29 of 2013, within a period of six months from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner as well as to the necessary parties, if any.

8.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

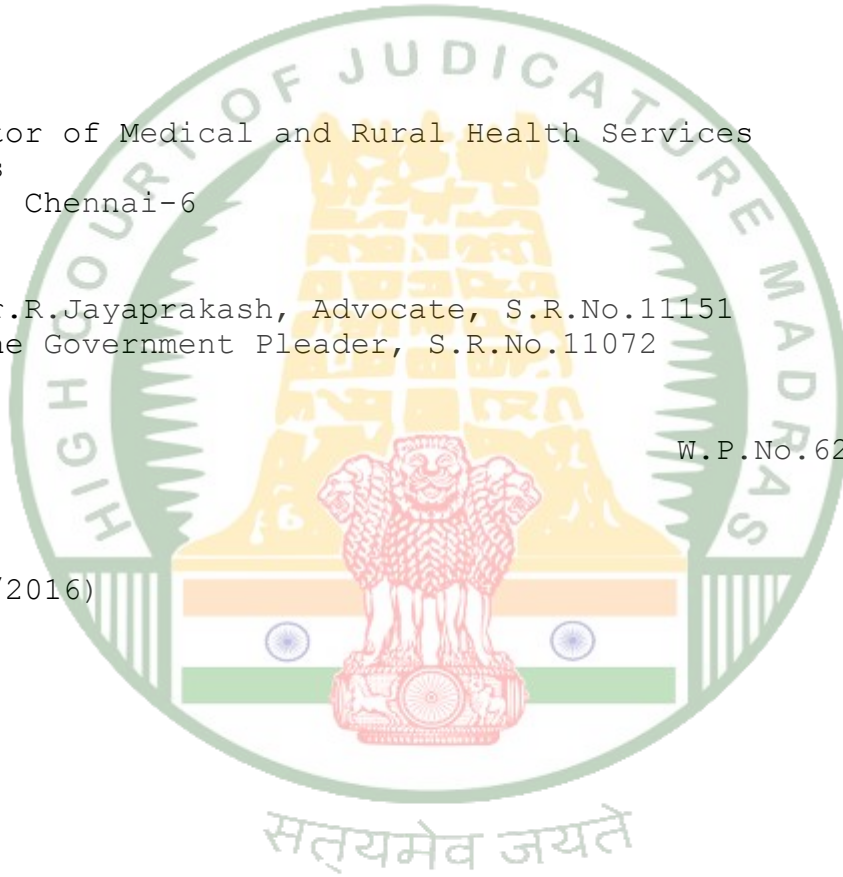
To

The Director of Medical and Rural Health Services
DMS Campus
Teynampet, Chennai-6

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.11151
+1cc to the Government Pleader, S.R.No.11072

W.P.No.6287 of 2016.

sk (CO)
srg (26/02/2016)



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