



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2016

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

Crl.O.P.(MD).No.9295 of 2016

Ganapathi .. Petitioner

Vs.

1.State rep. through
the Commissioner of Police,
Madurai City, Madurai - 625 001.

2.The Inspector of Police,
Mathichiyam Police Station,
Madurai City, Madurai.

3.The Sub Inspector of Police,
Government Rajaji Hospital Police Station,
Madurai City, Madurai.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the third respondent to register a case on the basis of the petitioner's complaint dated 04.06.2016 and to proceed with the same as per law within a time frame.

For Petitioner : Mr.Henri Tiphagne

For respondents : Mr.A.P.Balasubramani,
Government Advocate
(Criminal side)

ORDER

It is an application seeking a direction to the third respondent to register a case based on the complaint of the petitioner dated 04.06.2016.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents.

3.The sum and substance of the complaint of the petitioner is that due to serious ill-health his son, he admitted him at Government Rajaji Hospital, Madurai; after giving first aid, the Doctor concerned admitted the patient in Ward No.105 by giving O.P sheet and admission sheet; on the way to the said ward, the person in charge of stretcher asked Rs.300/- as bribe from the petitioner; the petitioner refused to give the same; then that



person forcibly collected O.P. sheet and Admission sheet from the petitioner's wife and took away the same; when the Doctor asked the same to give treatment to his son, he came to know from his wife that the stretcher pushing man forcibly took away the same; he searched him and gave complaint to the Police; and in the meantime, the petitioner's son died due to lethargic attitude of the staff concerned.

4.The learned counsel for the petitioner would submit that though the petitioner had given the above said complaint as early as on 04.06.2016 and the respondent Police also had given a receipt in C.S.R.No.5 of 2016, till today no FIR has been registered in respect of the same and hence, the petitioner has come up with this petition. As there was a complaint and the defacto complainant has not even been enquired, this Court directed the learned Assistant Commissioner of Police, Madurai City to enquire and record the statement of the petitioner.

5.Today, when the matter came up for hearing, the learned Government Advocate would submit that the defacto complainant has been enquired, as per the direction of this Court. The said submission is recorded.

6.Considering the facts and circumstances of the case, the Assistant Commissioner of Police, Madurai City is directed to expedite the enquiry in respect of the complaint of the petitioner dated 04.06.2016 and take appropriate action in accordance with law within a period of two months from the date of receipt of a copy of this order.

7.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS I)

/True copy/

Sub Assistant Registrar

To

1.The Commissioner of Police,
Madurai City, Madurai - 625 001.

2. The Assistant Commissioner of Police, Madurai City.

3.The Inspector of Police,
Mathichiyam Police Station,
Madurai City, Madurai.



4.The Sub Inspector of Police,
Government Rajaji Hospital Police Station,
Madurai City, Madurai.

5.The Addl. Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.R.Karunanidhi, Advocate SR.No.45162/16

gcg

sm:DB:24.11.2016:3P/7C

Cr1.O.P(MD)No.9295 of 2016
02.08.2016