

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No:35273 OF 2016

ORDER:

1. The present writ petition is filed by the petitioner under Article 226 of the Constitution of India, seeking to quash the proceedings against her in FIR No.380 of 2016 on the file of the 4th respondent.

2. Heard and perused the material available on record.

3. It is stated in the affidavit that the 5th respondent joined as nurse in the hospital of the petitioner in the year 2010 and she worked for three years and thereafter, she left the job and after some time, again she joined as nurse. Thereafter, she did not follow the instructions of the petitioner in the delivery operations. Several patients lodged complaints against her negligence. On 17.9.2016 when one pregnant lady was admitted in the hospital with critical condition of delivery, the petitioner instructed the 5th respondent to keep ready all requisite instruments. Due to her negligence, an instrument Autoclave was blasted. Then, the petitioner advised the 5th respondent to be careful in doing the preparations for operation. On that, the 5th respondent left the hospital and lodged the present complaint.

4. The petitioner filed this writ petition challenging the investigation in the above crime. This Court is not inclined to interfere with the investigation. However, taking into consideration the facts and circumstances of the case, this Court is of the view that the investigation can be completed without arresting the petitioner.

5. Accordingly, respondents Nos.2 to 4 are directed to complete the investigation and file a final report in the above Crime, in accordance with law in either way, without arresting the petitioner.

6. With the above direction, the Writ Petition is disposed of. No costs. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 20th October, 2016
Nn.



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20/10/2016

Nn.