

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.4197 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/accused in Crime No.84 of 2015 of Udayagiri Police Station, SPSR Nellore District for the offences punishable under Section 304 A IPC.

Heard the learned counsel for the petitioner/accused and the learned Public Prosecutor and perused the material on record.

The offence involved herein is alleged to be medical negligence on the part of the petitioner, who is a doctor. The second respondent/*de facto* complainant lodged a complaint against the petitioner wherein specific allegations are made against the petitioner, the truth or otherwise of which can be ascertained only after due investigation into the crime by the investigating agency and the same cannot be determined at the investigation stage. However, it is informed by the learned counsel for the petitioner that the petitioner/accused was already released on bail and the Government has given an opinion that there was no negligence on the part of the petitioner/accused.

Therefore, having regard to the facts and circumstances of the case and also in view of the nature of offences alleged against the petitioner, this Court is not inclined to interfere with the proceedings against the petitioner/accused. However, the police concerned is directed to complete the investigation without arresting the petitioner/accused and file final report in accordance with law. In the vent of any charge sheet is filed, the

petitioner/accused is at liberty to approach this Court to seek his remedies available under the law.

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With the above direction, the Criminal Petition is disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 29-03-2016

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