

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40630 OF 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the crime No.245 of 2016 registered on the file of the second respondent for the offences under Sections 448, 427, 34 IPC read with Section 4 of the A.P. Ordinance against the Violence on Doctors and Medical Establishment, 2007, as illegal and arbitrary, and consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present crime and that he has not committed any offence. He further submits that the third respondent has filed the present complaint with all false allegations only to get rid of the death of the patient in their hospital and as such, he prays this Court to quash the proceedings against the petitioner.

This Court is not inclined to quash the proceedings against the petitioner at the threshold. However, taking into consideration the facts and circumstances of the case, the third respondent is directed to complete the investigation without arresting the petitioner and file final report, if any, in accordance with law. The petitioner is directed to appear before the third respondent and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the likesum for his future appearance as and when required for the purpose of investigation.

.The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

23.11.2016
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