

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2017

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

Cr1.O.P No.22168 of 2017

M/s.RG Stone Urology & Laparoscopy Hospital
391-92, Anna Salai,
Saidapet, (OPP. Bus Stand),
Chennai - 600015.
Represented by its Asst. Branch Manager
Revathy M.S

.. Petitioner

Vs

1. The Commissioner of Police
O/o. Commissioner of Police
Vepery, Chennai - 600 007.
2. The Inspector of Police
J-1, Saidapet Police Station,
Chennai - 600 015.
3. Aarthi
4. R.Swaminathan

.. Respondents

Prayer: Petition filed Under Section 482 of Cr.P.C to issue directions to the respondents 1 and 2 to provide adequate police protection for the safety, security and protection to the lives and property of the Petitioner hospital, management officials, staffs, workers and patients, based on the complaints dated 12.10.2017.

For Petitioner : Mr.R.Prabhakaran

For R-1 and R-2 : Mr.P.Govindarajan
Additional Public Prosecutor

For R-3 and R-4 : -

O R D E R

By consent of both the learned counsel for the petitioner and the learned Additional Public Prosecutor this Criminal Original Petition is taken up for final disposal.

2. Since the prayer in the Criminal Original Petition is for Police Protection, in my view, the third and fourth respondents cannot be prejudiced and hence notice has not been ordered to them. The case of the petitioner is that they are one among Urology hospitals running in chennai and on 09.10.2017 a patient by name Mr.Vinoth Babu was admitted, with a history of the disease of right hydronephrosis with persistent ureteric calculus.

3. It is submitted by the learned counsel for the petitioner that during the patient operative procedure, the patient was administered with general anesthesia and was performed cystoscopy and right ureteric catheterization and he had developed brady cardia and hypotension. In view of the cardio respiratory status and delayed recovery and inadequate respiratory efforts, the patient was required prolonged ventilator and ICU care.

4. According to the learned counsel for the petitioner the entire procedure was done after informing the patient's family members and relatives. Subsequently, the family members and relatives of the patient had volunteered and on their own will and volition opted to shift the patient from the petitioner's hospital to some other hospital for better treatment.

5. After the concurrence and request of the patient's relatives and family members, the petitioner had discharged the patient on 10.10.2017. Thereafter, the patient was admitted at Venkateswara Hospital, Nandanam at which point of time the petitioner's hospital Chief Doctor namely Mr.Vijayakumar had visited the hospital to see the patient, which was done, on the request of the patient's relatives.

6. At that point of time the patient's relatives and other unknown persons had gheraoed and threatened the petitioner's Chief Doctor blaming him for the patient's condition. Likewise on 12.10.2017 morning another group of 100 persons had come to the petitioner's hospital and ransacked and attacked the hospital by threatening hospital Doctors and staff members that if a huge payment is not given as a compensation they will create further problem and tarnish the name and reputation of the hospital. In view of such unlawful assembly and the threat thrown to the hospital management, the petitioner has given a complaint on 12.10.2017 to the second respondent Police Station which was followed by another complaint on the same day night. Since adequate protection was not extended to the hospital, the present petition has been filed.

7. On written instructions from the second respondent Police station, the learned Additional Public Prosecutor submitted that

it is true that there was an unlawful assembly of many persons on behalf of the patient Mr. Vinoth Babu and that there was an unruly scene. Hence the second respondent had already posted two Sub Inspector of Police namely Mr.Megavannan Sub Inspector of Police and Mr.Vijaya Babu Sub Inspector of Police.

8. In view of the seriousness of the likelihood of a law and order problem, the second respondent police has also offered to extend adequate protection to the hospital premises in case of any such further disturbances.

9. Since, the second respondent had offered to give the required Police Protection, I do not intend to go into the details of other aspects stated in the affidavit with regard to unlawful assembly and threats caused by the third persons.

10. Recording the submissions made by the learned Additional Public Prosecutor, there shall be a direction to the respondents 1 and 2 to provide adequate Police Protection for the safety, security and protection to the life of the hospital premises and to the Management Officials, Doctors, staffs, workers, and patients for at-least for a period of two days from today.

11. In case the petitioner requires protection for subsequent period, it is always open to him to make a representation to the second respondent Police and on such representation the second respondent shall extend the necessary protection forthwith .

12. With the above directions and observations, the Criminal Original Petition stands allowed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1. The Commissioner of Police
O/o. Commissioner of Police
Vepery, Chennai - 600 007.

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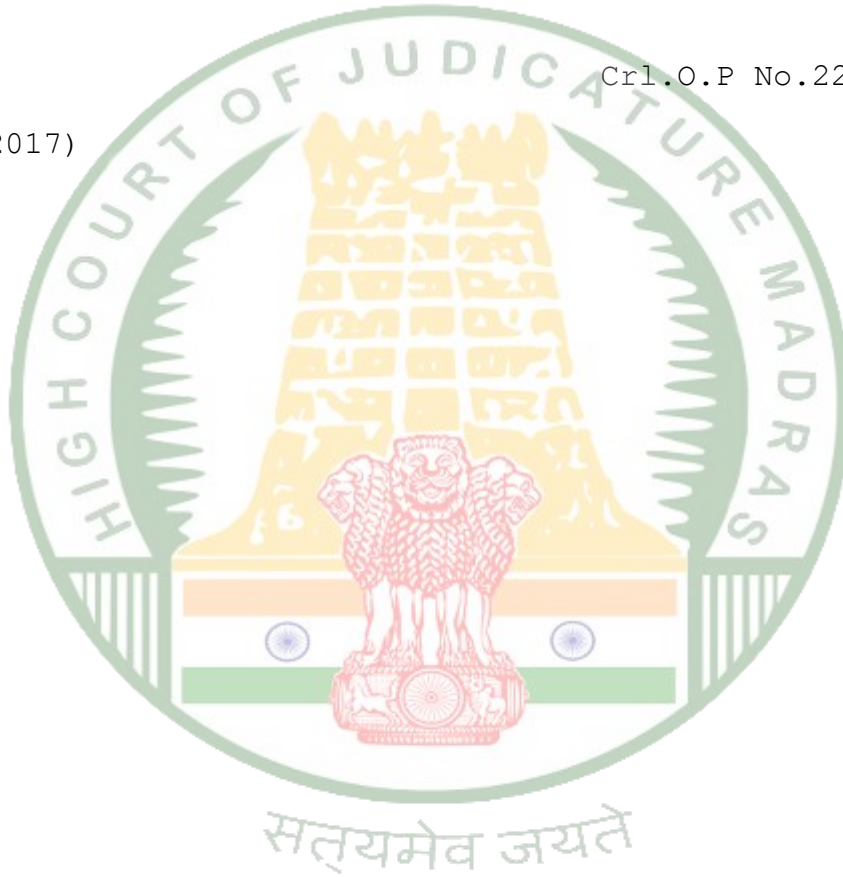
2. The Inspector of Police
J-1, Saidapet Police Station,
Chennai - 600 015.

3. The Public Prosecutor
High Court, Madras.

+2 Ccs to Mr.R. Prabhakaran, Advocate sr 73867.

Crl.O.P No.22168 of 2017

SP(13/10/2017)



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