

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.15495 of 2018

R.Aravindhan

...Petitioner/Defacto
Complainant

Vs

The State rep by
The Inspector of Police
Jayankondam Police Station
Jayankondam
Ariyalur District.
(Crime No. 372 of 2016)

...Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondent to alter the case under Section 304(A) IPC, investigate the same and to file final report in the case in Crime No. 372 of 2016 on the file of the respondent police.

For Petitioner : Mr.G.Pugazhenthir

For Respondent : Ms.P.Kritika Kamal,
Government Advocate (Crl Side)

ORDER

This petition has been filed to direct the respondent to alter the case under Section 304(A) IPC, investigate the same and to file final report in the case in Crime No.372 of 2016.

2. Heard the learned counsel for the petitioner; the learned Government Advocate (Crl. Side) appearing for the respondent and perused the materials placed on record.

3. Pursuant to the death of Sudharsan, in the course of the medical treatment, on the complainant given by the petitioner, a case in Jayankondam PS Crime No.372 of 2016 has been registered under Section 174 of Cr.P.C. Not satisfied with the investigation, the petitioner has filed the present petition for alternation of the FIR.

4. In the opinion of this Court, a direction to the respondent police to alter the FIR cannot be issued under section 482 of Cr.P.C. In a case involving medical

negligence, the police are required to follow the law laid down by the Supreme Court in Jacob Mathew Vs State of Punjab reported in [2005]6 SCC 1, before prosecuting the medical practitioner.

5. If investigation has not been completed in Crime No. 372 of 2016, the respondent police is directed to complete the same, within a period of six months from the date of receipt of a copy of this order and either file an alteration report or a closure report as the case may be, under due intimation to the de facto complainant.

With the above direction, this petition is closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

gmd

To

1.The Inspector of Police
Jayankondam Police Station
Jayankondam
Ariyalur District.

2.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr. G. Pugazhenthir, Advocate Sr.37680

Cr1.O.P.No.15495 of 2018

SR(CO)
EU(26/06/2018)

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