

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.10572 OF 2011

ORDER:

The present Criminal Petition is filed by the petitioners - accused Nos.1 to 3 under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings against them in FIR No.229 of 2011, dated 19.10.2011, of Matwada Police Station, Warangal Urban, registered for the offence punishable under Section 379 of the Indian Penal Code, 1860 (for short 'IPC').

2. During arguments, learned counsel for the petitioners would submit that petitioner No.1 is no more. He further submits that the case of respondent No.2 - *de facto* complainant, according to the report given on 08.10.2011 in FIR No.229 of 2011 is, that his third daughter - Anitha, who was pregnant, was taken to the petitioner No.1's hospital on 01.10.2011 where she was admitted for delivery and gave a birth to female child and after delivery, since her condition was serious, she was advised to shift to another hospital. Then, respondent No.2 shifted her daughter to M.G.M. Hospital, Warangal on 02.10.2011 in the car of petitioner No.1 by his driver - Raju where she was declared as dead. On 01.10.2011, respondent No.1 gave a report to the police against the petitioners that due to medical negligence, his daughter died, and at the time of entering into the M.G.M. Hospital, respondent No.2 handed over the *pusthela Thadu* weighing about 40 grams worth Rs.80,000/-, net cash of Rs.8,500/- and two cell phones to the said driver and when the

doctors declared her daughter as dead, he and others came out of the hospital and found the said driver missing. He also submits that immediately after the incident, there was a report given by respondent No.2 to the police on 02.10.2011, but he has not mentioned about the missing of aforesaid items, and when the people of respondent No.2 went to the hospital of petitioner No.1 and caused damage to the furniture, petitioner No.1 lodged a report with police on 03.10.2011, again respondent No.2 lodged a complaint with police on 08.10.2011, where he mentioned about the alleged missing of gold ornaments, which according to the learned counsel is done as a counter-blast, with a delay of five days and, therefore, requested to quash the proceedings.

3. A perusal of the complaint in the present case shows that there is no explanation given for the delay and for the laches in not mentioning about the fact of theft of gold ornaments in the earlier complaint, dated 02.10.2011. Hence, it appears that the present complaint is an outcome of the complaint in Crime No.209 of 2011, dated 03.10.2011 of Ghanpur Police Station, Warangal District, filed by son of petitioner No.1. Hence, the proceedings against petitioner Nos.2 and 3 are liable to be quashed.

4. Accordingly, the present Criminal Petition is allowed, and the proceedings against petitioner Nos.2 and 3 - accused Nos.2 and 3 in FIR No.229 of 2011, dated 19.10.2011, of Matwada Police Station, Warangal Urban, registered for the offence punishable under Section 379 IPC are hereby quashed.

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition stand closed.

SMT. T. RAJANI, J

September 27, 2018
Mgr

