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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 1110/2016**

**PRABHA DEVI**

..... Petitioner

Represented by: **Mr.Sunil Satyarthi and Mr.Raman  
S.Gandhi, Advocates**

versus

**THE COMMISSIONER OF POLICE & ORS**

..... Respondents

Represented by: **Ms.Kamna Vohra, ASC for the State  
with ASI Liyakat Ali, PS Sangam  
Vihar**

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

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**05.09.2018**

1. By this petition, the prayers of the petitioner are:-

*“(a) Issue a writ, order or direction, inter-alia, a writ in the nature of mandamus directing the respondents No.1 and 2 to charge the respondent No.5 for offence under Section 302 or 304 IPC.*

*(b) Issue a writ, order or direction, inter-alia, a writ in the nature of mandamus directing the respondents No.1 and 2 to conduct appropriate investigation in the light of the offences disclosed and to expeditiously file charge sheet against the respondent No.5 for offence under Section 302 or 304 IPC.*

*(c) Issue a writ, order or direction, inter-alia, a writ in the nature of mandamus directing the respondent No.3 to disburse a compensation of ₹20 lakhs to the petitioner from which an interim amount of compensation of ₹10 lakhs be paid forthwith.”*

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2. When the petitioner preferred the present petition, FIR No.361/2013 under Section 304-A IPC had been registered against respondent No.5 who according to the petitioner was practising as a doctor without any valid degree and being a quack caused death of the son of the petitioner aged 2 years.
3. A status report was filed indicating that after recording of the statements of the witnesses and taking the opinion from the Medical Council of Delhi, charge sheet for offence punishable under Sections 304-A and 420 IPC has been filed along with Section 27 of the Delhi Medical Council Act before the learned Trial Court.
4. Whether charge for offence punishable under Sections 304-A or 304 or 302 is made out, would be in the domain of the learned Trial Court to apply its mind on the investigation and pass appropriate orders. In the present writ petition, this Court cannot pass order directing framing of charge under particular Sections as prayed for in prayer (a).
5. Investigation having been concluded and charge sheet being filed, prayer (b) in the Writ Petition is satisfied.
6. For the third prayer seeking compensation, learned counsel for the petitioner relies upon the decision of the Supreme Court reported as AIR 2015 SC 518 Suresh & Anr. Vs. State of Haryana. The said judgment dealt with grant of interim compensation under the Victim Compensation Scheme. Thus the petitioner would be at liberty to take appropriate remedies in this regard.
7. In view of the fact that charge sheet has been filed, learned counsel for the petitioner seeks leave to withdraw the petition to take appropriate

remedies in accordance with law.

8. Leave and liberty granted.
9. Petition is dismissed as withdrawn.

**MUKTA GUPTA, J.**

**SEPTEMBER 05, 2018**

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