

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2019

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.2009 of 2013

S.Ananda Babu ... Petitioner/Defacto Complainant

Versus

1.State Rep., by
The Inspector of Police,
E-4, Abiramapuram Police Station,
Chennai.

2.The Commissioner of Police,
Officer of the Commissioner of Police, Egmore,
Chennai-08.

3.Dr.Radha Madhavan,
Ranga Nursing Home,
Devanathan Street,
Mandaveli Chennai-20.

4.Billroth Hospital,
Raja Annamalai Puram,
Chennai-28.

... Respondents/Complainant

[3rd and 4th respondent
impleaded Suo-motto as per the
order of this Court dated
06.02.2013 in Crl.O.P.No.2009
of 2013]

PRAYER : Criminal Original Petition filed under Section
482 of the Code of Criminal Procedure, directing the
respondents herein to register the case on the complaint
dated 10.01.2013 lodged before the 2nd respondent.

For Petitioner : No Appearance

For R1 & R2 : Mr.Hari Hara Arun Somasankar
Government Advocate [Crl. Side]

For R3 & R4 : Mr.R.S.Jeevarathanam,
Senior Counsel
for T.D.K.Govindarajan

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O R D E R

This Criminal Original Petition has been filed to register the complaint dated 10.01.2013.

2.The petitioner & Counsel did not appear on earlier hearings. Today i.e., on 22.03.2019, when the matter is taken up for hearing, there is no representation for the petitioner. Hence, Keeping this Criminal Original Petition further pending would only amount to piling up of cases without any progress and hence, this Court decides to dispose of the Criminal Original Petition on merits.

3.The petitioner had lodged a complaint before the 1st respondent on 06.01.2013, which was registered as C.S.R.No.3 of 2013. In that complaint the petitioner has made allegations against the 3rd respondent Viz., Radha Madhavan, Doctor in Ranga Nursing Home, Mandaveli. Thereafter another complaint dated 10.01.2013 was given to the 2nd respondent, as per the complaint, it is found that the petitioner is an Auto Driver. His mother Valli had some Gynaecology problem, for which, the petitioner approached the 3rd respondent viz., Radha Mohan for his mother's treatment. On the advise of Doctor Radha Mohan, his mother was admitted in Ranga Nursing Home on 18.12.2012. On 19.12.2012, surgery was conducted and on the same day the health condition of his mother deteriorated. Hence, the petitioner's mother was shifted to 4th respondent hospital viz., Billroth Hospital, Raja Annamalai Puram, Chennai for post operative treatment. The said Hospital demanded Rs.2,00,000/- (Rupees two lakhs only) for his mother's treatment and the same was paid. The health condition of petitioner's mother had not shown any improvement and the expenses to the hospital was mounting.

4.Hence, the petitioner lodged a complaint to the 1st respondent on 05.01.2013 and C.S.R registered, but no action was taken. Further, the health condition of the petitioner's mother was deteriorating day by day and she fell into Coma stage and the Doctors were not given any proper reason for the same. Hence, the petitioner filed this petition for registration of the complaint dated 10.01.2013.

5.Mr.R.S.Jeevarathanam, learned Senior Counsel representing for the respondents 3 and 4 produced the "Discharge Summary" of the petitioner's mother and he further submits that the Surgery was initially done at Ranga Nursing Home and thereafter for further treatment

she was admitted in Billroth Hospital. He further submits that the petitioner's mother was in dialysis and ventilator dependent. The petitioner was unable to spend money for hospital expenses. Hence, on request of the petitioner his mother was discharged from Billroth Hospital and taken to Government General Hospital for treatment.

6. In fact the petitioner did not pay entire due amount to the Hospital charges. On the other hand he preferred complaint to the Chairman, Medical Council of Tamilnadu, Chennai for return of money spent for his mother's treatment. The Registrar, Tamil Nadu Medical Council had sent a letter to the petitioner informing that the Medical council had dropped further action on the complaint of the petitioner. Further, the learned counsel produced the letter of the petitioner in which it was stated that he was unable to make payments of hospital charges and he requested to discharge his mother to take further treatment at Government Hospital at free of cost.

7. The learned Government Advocate submits that no F.I.R has been registered on the complaint given by the petitioner. Only a primary enquiry has been conducted and it was found that allegations made by the petitioner was false and frivolous. Therefore, no case was registered. Further, the learned Government Advocate produced the death certificate of the petitioner in D4789852962/2015 dated 15.07.2015 and it is seen that the petitioner died on 27.05.2015.

8. Considering the submissions and on perusal of the materials produced before this Court, nothing survives in this Criminal Original Petition and the same is dismissed.

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सत्यमेव जयते Sd/-

Assistant Registrar(CS iii)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
E-4, Abiramapuram Police Station, Chennai.

2. The Commissioner of Police,
Officer of the Commissioner of Police, Egmore,
Chennai-08.

3. The Public Prosecutor, High Court , Madras.

Cr1.O.P.No.2009 of 2013

A.SK(27/04/2019)