

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 06.06.2019****CORAM****THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR****Crl.O.P.No.30937 of 2013**

T.Rajendran

... Petitioner/Complainant

Vs.

1.The Commissioner of Police,
Chennai City, Chennai.2.The Assistant Commissioner of Police,
Anna Nagar,
Chennai.3.The Inspector of Police,
T4 Maduravoyal Police Station,
Chennai.4.Serene Life Hospital,
Rep. by its Proprietor – Shakthi Kumar P.
No.86/2a, 41/4C, 1st Floor,
Vanagaram,
Chennai – 600 095.

... Respondents/Respondents

[R4 is impleaded as per order
in Crl.M.P.No.9257 of 2018 in
Crl.O.P.No.30937 of 2013 dated
06.06.2019.]

PRAYER: Criminal Original Petition is filed under Section 482 of the
Code of Criminal Procedure, directing the respondent Nos.1 and 2
herein to transfer the investigation in Crime No.631 of 2013 on the

file of the third respondent herein or to any other independent investigation agency to conduct the investigation in the manner known to law and further direct to file final report within a stipulated time.

For Petitioner : Mr.A.Esakkiappan

For R1 to R3 : Mrs.S.Thankira,
Government Advocate (Crl. Side)

For R4 : Mr.G.Prabhakaran

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ORDER

Criminal Original Petition is filed to direct the respondent Nos.1 and 2 to transfer the investigation in Crime No.631 of 2013 on the file of the third respondent to any other independent investigation agency to conduct the investigation in the manner known to law and further direction to file final report within a stipulated time.

2.When the Criminal Original Petition was pending, M/s.Serene Life Hospital, represented by its Proprietor Mr.Shakthi Kumar P. had filed an impleading petition in Crl.M.P.No.9257 of 2013 and contended that the Criminal Original Petition is mainly directed against the impleading petitioner, who is providing

treatment for psychiatric disease and mental illness. The defacto complainant/petitioner's son, was an addict for alcohol and was taking treatment in M/s.Serene Life Hospital [Rehabilitation Centre]. The petitioner and the wife of the deceased went to the above said Rehabilitation Centre to see the deceased and the deceased was found in good condition and the deceased asked the petitioner to take him to home, in turn the petitioner replied that he will take him to home after the treatment got completed and the deceased accepted the same. While so, on 15.05.2013, the deceased had developed chest pain and other health issues. Immediately his relatives were informed about the same. Since they could not reach the place, they requested the hospital authorities to take care of him and to provide proper medical care. Thereafter, the hospital authorities took him to the Apollo Hospital, Iyambakkam and admitted him for treatment. After getting treatment, he was taken back to his room. Suddenly he got relieved from the hands of the male nurse escort and he voluntarily fell down from the first floor and died. Hence, the above case. He further contended that they are the necessary parties in this case. The impleading petition in Crl.M.P.No.9257 of 2018 is allowed.

3.It is now submitted by the learned Government Advocate (Crl. Side) that after investigation, the case has been closed and RCS notice to the petitioner has been served on 23.02.2019 and now, the copy of the same is produced and in view of the same nothing survives for adjudication in this case.

4.The learned counsel appearing for the petitioner submitted before this Court that he wanted to ascertain the facts from the petitioner.

5.In view of the RCS notice with the acknowledgment being filed nothing survives for adjudication in this matter. Hence, this Criminal Original Petition stands dismissed. Anyhow, the petitioner is at liberty to redress his grievance and workout his remedy by filing an appropriate petition before the appropriate Court.

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Speaking order/Non-speaking order

Index: Yes/No

Internet: Yes/No

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To

- 1.The Commissioner of Police,
Chennai City, Chennai.
- 2.The Assistant Commissioner of Police,
Anna Nagar,
Chennai.
- 3.The Inspector of Police,
T4 Maduravoyal Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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CrI.O.P.No.30937 of 2013

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06.06.2019