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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.07.2019
CORAM
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.18962 of 2019

Dr.C.Vidya Sridhar

... Petitioner

Vs.

1.The State,
Represented by its Superintendent of Police,
Krishnagiri District,
Krishnagiri.

2.The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri.

3.Sivaprakasham

4.Balaji

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records of the proceedings in C.C.No.208 of 2017 on the file of the Judicial Magistrate, Krishnagiri and to set aside the final report filed therein, and to consequently direct re-investigation in Crime No.337/2017 by the first respondent.

For Petitioner : Mr.Govind Chandrasekhar

For Respondents : Mr.C.Raghavan (for R1 & R2)
Government Advocate (Crl.Side)

O R D E R

This petition has been filed seeking for the relief to set aside the final report and directing re-investigation in Crime No.337 of 2017.

2.The petitioner is the defacto complainant. She was running a hospital with the name and style of "Sri Vidya Hospital" at Krishnagiri. On 21.04.2017 one Mrs.Manimegalai was admitted for delivery. She delivered a male child on the same day and she was discharged on 24.04.2017. On 04.05.2017, three persons entered into the hospital and start abusing everyone in a filthy language and started vandalising the hospital on the ground that they have been charged exorbitantly.



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3.Immediately a complaint was given by the petitioner and the same was registered in Crime No.337 of 2017 for an offence under Section 3 of the Tamil Nadu Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2008.

4.The grievance of the petitioner is that the second respondent police did not even conduct an enquiry in this case and no statement was given by the petitioner or the staff members and the second respondent has prepared 161 statements on his own.

5.The learned counsel for the petitioner submitted that admittedly there was a damage caused by the persons who entered into the hospital and it was not investigated by the respondent police and the quantum of damage was not assessed during investigation. The learned Counsel submitted that the entire investigation was a farce and if the present final report is acted upon, the accused persons will easily escape the consequences and therefore the case requires re-investigation by an higher officer.

6.The learned Government Advocate (Criminal Side) appearing on behalf of the respondent police submitted that the respondent police has investigated the case properly and laid a charge sheet before the Court below.

7.This Court has carefully considered the submissions made on either side and the materials available on record.

8.It is seen from records that the respondent police has conducted a slipshod investigation and he did not even bother to take the statements of the petitioner and the staff members who were present in the hospital at the time of the incident. The Investigating officer did not even assess the actual damage that was caused by the accused persons and did not quantify the damage. The edifice of the entire final report is so weak that it will crumble in no time, since it cannot be sustained due to lack of materials.

9.In view of the above, this Court has to necessarily interfere with the final report filed by the second respondent police and order for re-investigation by an higher official.

10.In the result, the final report filed by the second respondent in C.C.No.208 of 2017 on the file of the Judicial Magistrate-I, Krishnagiri is hereby set aside. The Deputy Superintendent of Police, Krishnagiri Town is directed to conduct a re-investigation in this case. The second respondent



is directed to hand over the entire case diary to the Deputy Superintendent of Police, Krishnagiri Town within a period of ten days from the date of receipt of copy of this order. Immediately on receipt of the case diary, the Deputy Superintendent of Police, Krishnagiri Town, shall proceed further with the investigation effectively and he shall examine all the witnesses and also quantify the damages that were caused by the accused persons and file a final report as expeditiously as possible.

11.This Criminal Original Petition is allowed with the above directions.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jas/vs

To

1. The Judicial Magistrate No.I,
Krishnagiri.
2. Do Thro The Chief Judicial Magistrate,
Krishnagiri.
3. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
4. The Deputy Superintendent of Police,
Krishnagiri Town,
Krishnagiri.
5. The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri.
6. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.Govind Chandrasekhar, Advocate sr.61388, 62496

Crl.O.P.No.18962 of 2019

kk(co)
nr 09/08/2019