

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.5324 of 2021
and
Crl. M.P. No.3410 of 2021

S.Naveen Kumar ... Petitioner/Accused

Vs.

1. State Rep. by
Inspector of Police
Kondalampatti Police Station,
Salem.
(Crime No.915 of 2020) ...1st Respondent/Complainant

2. Dr.Hellan Kumar ...2nd Respondent/Defacto Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in FIR No.915 of 2020 from the file of the Kondalampatti Police Station, Salem District and quash the same.

For Petitioner : Mr.K.Balaji
For Respondent : Mr.M.Mohamed Riyaz (For R1)
Additional Public Prosecutor

ORDER

This petition has been filed seeking to quash the First Information Report in Crime No.915 of 2020 on the file of the first respondent.

2. The case of the prosecution is that the petitioner, who is a Medical College Student was given a temporary registration by the Tamil Nadu Medical Council. The allegation made against the petitioner is that a death report has been signed by the petitioner on 12.09.2020 without any authority and based on the complaint given by the second respondent, the FIR has been registered for the offence under Section 15(3) of the Indian Medical Council Act, 1956.

3. The learned counsel for the petitioner submitted that the petitioner joined in a counselling programme at Priyam Hospital in Salem, to act as a medical volunteer and assist in providing services to the Corona infected patients and attenders. The learned counsel further submitted that the petitioner is fully

aware about the fact that he is only the trainee and he cannot issued any death report since he is not a fully qualified Doctor. The specific case of the petitioner is that the hospital has managed to forge the signature of the petitioner and issued a death report as if it was signed and sealed by the petitioner. The learned counsel for the petitioner also brought to the notice of this Court the complaint given by the petitioner against the hospital and which has been taken on file by the respondent police in CSR. No.998 of 2020 on 26.10.2020. The learned counsel submitted that the petitioner is innocent and the respondent police have not taken into consideration the complaint given by the petitioner and the petitioner wants to come out clean in this case since it involves his future.

4. The learned Additional Public prosecutor, on instructions, submitted that the respondent police will investigate the FIR in Crime No.915 of 2020 as well as the complaint given by the petitioner in CSR.No.998 of 2020 and file a final report within a short time.

5. Taking into consideration the facts and circumstances of the case and also the fair stand taken by the petitioner in this case and also considering the future of the petitioner, who is going to practice as a Doctor and serve the society, there shall be a direction to the respondent police to investigate the complaint given by the petitioner in CSR No.998 of 2020 along with Crime No.915 of 2020 and a final report or closure report as the case may be shall be filed within a period of six weeks from the date of receipt of copy of this order.

6. This Criminal Original Petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Inspector of Police,Kondalampatti Police Station, Salem.
- 2.The Public Prosecutor,High Court of Madras,Chennai - 600 104.

+1cc to Mr.K.Balaji, Advocate SR.NO..18343

AKM/08.04.21/ 2P- 4C/

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