



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.11.2021

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.31876 of 2019

Dr.R.Senthil Kumaran

...Petitioner

Versus

1.Cyber Crime Cell,
CB, CID,
Chennai-600 008.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur.

3.The Inspector of Police,
Thanjavur Town South Police Station,
Thanjavur.

...Respondents

Prayer:-Criminal Original Petition filed under Section 482 Cr.P.C. to issue direction to the respondents to take immediate action against the antisocial elements who have involved in uploading false and fake news against the petitioner's hospital viz KG Multi Speciality Hospital and Research Centre, Thanjavur Town, Thanjavur District in face book, whatsapp and other social medias and punish them severely in accordance with law.

For Petitioner : M/S.V.Selvaperumal

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition filed seeking to issue direction to the respondents to take immediate action against the antisocial elements who have involved in uploading false and fake news against the petitioner's hospital viz KG Multi Speciality Hospital and Research Centre, Thanjavur Town, Thanjavur District in face book, watsapp and other social medias and punish them severely in accordance with law.



2.The case of the prosecution is that the petitioner is a doctor by profession and is running a Multi Speciality Hospital in the name and style of M/s. KG Multi Speciality and Research Centre at No.3048/3049, 2nd Street, V.O.C Nagar, Thanjavur. Out of his own earnings and with good reputation, he started the said hospital and obtained name as one of the best hospitals in Thanjavur. On 11.09.2018, a patient named one Sekar aged about 55 years was admitted in the petitioner's hospital by the reference of Dr.M.Chandrasekaran, M.S. Prior to admission in the petitioner's hospital, the patient was operated for Acute Appendicitis thereafter, he was referred to the said hospital with a complaint of difficulty in breathing and urinary problem.

3. Due to critical position of the patient, he has faced several other complaints and he was given dialysis treatment for 19 days. Thereafter, on 26.09.2018, the patient's body has not co-operated for the treatment and he was said to be in critical health condition and when the same was explained to his relatives and they agreed to discharge the patient and accordingly the patient was discharged from the hospital on 28.09.2018 about 1.25 p.m.

4. Subsequently, the patient was taken to Thanjavur Medical College and Hospital on the same date on 1.50 p.m. and after that he was admitted in causality ward but the doctor has declared that he was said to be dead three days ago based on the same, false news were flashed in all media that the said patient Sekar was kept death in the petitioner's hospital without intimating their relatives and the said news caused bad reputation to the hospital of the petitioner.

5. As per the medical report of the Tanjavur Government Hospital, the patient was died only on 28.09.2018 and due to the fake news about the petitioner's hospital, he faced severe setback in running the hospital and suffered both psychological and economical loss due to which the petitioner filed this petition to direct the respondent to take immediate action against those antisocial elements who have involved in spreading the fake news against the petitioner's hospital.

6.The learned counsel appearing for the petitioner submits that even after filing of this petition, some antisocial elements are going on publishing the fake news against the petitioner's hospital even recently on 11.11.2021. Therefore, this Court may issue direction to the respondent to take immediate action against those antisocial elements who have involved in spreading the fake news against the petitioner's hospital.

7.The learned Government Advocate (Crl.side) submits that at the time of complaint raised by the petitioner, there was



only one Crime Branch Criminal Investigation Department and now there is CBCID within Thanjavur and also in other districts.

8. As per the allegation levelled against the petitioner and the alleged occurrence is said to be occurred in the year 2018 and now on perusing the records filed by the investigating agency that referred as FAD (Further Action Dropped) dated 01.07.2019 which rely to the factum of death of the patient Sekar. Thereby, the said final report reveals that with regard to the said patient, the action was dropped by the investigating agency. Furthermore, the petitioner also not mentioned about the antisocial elements and without knowing the same, this Court was unable to proceed further and there is no prima facie material for supporting the condition of the petitioner herein. Hence, the relief sought for by the petitioner become infructuous and this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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TO:

- 1.The Cyber Crime Cell,
CB, CID,
Chennai-600 008.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur.
- 3.The Inspector of Police,
Thanjavur Town South Police Station,
Thanjavur.
- 4.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.31876 of 2019

NMI (CO)
PR (14/12/2021)