



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.8908 OF 2017

AND

CRL.M.P.NO.6409 OF 2017

P.Vijayarani

...Petitioner

Versus

M.Balakumar
Causality Medical Officer(CMO)
Raja Muthaiya Memorial College and Hospital
(RMMCH)
Annamalai Nagar
Chidambaram
Cuddalore District.

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records of the charge sheet bearing C.C.No.74 of 2016 on the file of Hon'ble Judicial Magistrate-I, Chidambaram, Cuddalore District along with connected papers and quash the same.

For Petitioner : Mr.A.S.Vijayaraghavan
for Mr.K.Murugesan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate(Crl.side)

O R D E R

This Criminal Original Petition has been filed to call for the records and quash the proceedings in C.C.No.74 of 2016 for the offence under Sections 294(b), 353 of IPC r/w Section 3 of Tamil Nadu Medicare service person and Medical Service Institutions (Prevention of violent and damages of loss of property) Act, 2008.



2. The crux of the charge against the petitioner is that on 24.11.2015, the petitioner and her husband participated in one day identification fasting along with other members, organized by their Union against the mal Administration of the University particularly against the Vice Chancellor and the Registrar (Incharge) Arumugam. Pursuant to which, the said Vice Chancellor and the Registrar got angry with the petitioner and her husband for the agitation against them. On 27.11.2015 at about 6.15pm, the petitioner and her husband were walking on the road near the University Campus. Suddenly, a gang of three men came and stabbed the petitioner's husband induced by the Vice Chancellor and the Registrar, due to which, the petitioner's husband was severely injured and lost his blood. Thereafter, the petitioner brought her husband to the Casualty in the Raja Muthiya Chetty Medical College and Hospital (RMMCH), (the respondent Hospital) with the help of one Selvaraj and requested the Doctor to give treatment to her husband. The Medical Officer, who was working in the hospital asked the petitioner to fill the accident form and also to pay the necessary fee for the treatment. The said Doctor started his treatment to the petitioner's husband and there was a delay of 45 minutes. The Doctor requested the petitioner to leave the place in order to give proper treatment to her husband, for which, she abused the Doctor and made a threat. Thereby, she committed the aforesaid offence.

3. Heard the learned counsel for the petitioner and learned Government advocate (Crl.side) for the respondent.

4. The learned counsel for the petitioner submitted that the entire complaint and final report do not constitute any offence, infact, the petitioner's husband was stabbed by unknown persons. Thereafter, she rushed to the hospital and demanded for immediate treatment, for which, she has been implicated. He further submitted even the complaint lodged by RMMCH does not indicate the nature of the abuse or the alleged threat. He further submitted that the entire prosecution against the petitioner is nothing but abuse of process of law. Hence, prayed to quash the proceedings.

5. This Court has perused the entire materials available on record. The only allegation against the petitioner is that when the Doctor requested the petitioner to leave her husband in the hospital, she is said to have made some abusive statements.

6. It is relevant to note that the complaint dated 27.11.2015 given by Dr.Balakumar itself indicates that the petitioner accompanied her husband while giving treatment. When the doctors requested the petitioner and others to leave the



place, she did not obey and is said to have abused the Doctor, except that, there is no other serious allegation whatsoever made in the complaint. The nature of the alleged abusive words was also not spoken and it is an admitted fact by both sides that the petitioner's husband was stabbed near the University Campus and he was given treatment in the same hospital. Therefore, the wife accompanying her husband for treatment in the hospital being distressed is quite natural when he was seriously injured. Even assuming that any statement made by her wife at the spur of the moment cannot be construed as an offence.

7. Having regard to the above facts, the materials unearthed by the prosecution when taken on its face value do not constitute any offence and still forcing the party to face the ordeal of the trial is nothing but abuse process of law. Therefore, the proceedings against the petitioner is quashed. Accordingly, this Criminal Original Petition is allowed. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

msv/nr

To

The Judicial Magistrate-I,
Chidambaram, Cuddalore District.

+lcc to Mr.K.Murugesan, Advocate, S.R.No.364

Crl.O.P.No.8908 of 2017
and Crl.M.P.No.6409 of 2017

UM(CO)
RLP(25/01/2022)