



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P. (MD)No.20426 of 2018

Petchiammal @ Baby

... Petitioner/Defacto
Complainant

vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Karimedu Police Station,
Madurai City.
(Crime No.1185 of 2017)

... Respondents/
Complainants

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to pass an order directing the first respondent to change the investigation in Crime No.1185 of 2017 which is pending on the file of the second respondent to any other competent officer.

For Petitioner : Mr.G.BALASUBRAMANIAN, Advocate

For Respondents : Mr.R.MEENAKSHI SUNDARAM
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the first respondent to change the investigation in Crime No.1185 of 2017, which is pending on the file of the second respondent to any other competent officer.

2.On the basis of the complaint lodged by the petitioner herein, FIR came to be registered in Crime No.1185 of 2017 dated 24.12.2017 under Section 174 Cr.P.C. for the death of the petitioner's husband.

3.It is the case of the prosecution that the petitioner's husband went to "2th Dental Care" clinic for removing teeth and at that time, he felt unwell and thereafter, was taken to the Government Rajaji Hospital, where he was declared dead.

4.It is not in dispute that after conducting post mortem, the medical officer has given a final opinion to the effect that "no definite opinion can be given regarding the cause of death."



5.It is also not in dispute that the Dean of Government Rajaji Hospital, Madurai, in response to the request made by the second respondent to give their opinion, has stated that they will consider to form a committee to find out the reason for the death of the petitioner's husband only after receiving the order of this Court.

6.The learned Additional Public Prosecutor would submit that post mortem has been videographed.

7.It is pertinent to note that the Doctor, who has conducted the post mortem, has given his opinion that definite opinion cannot be given regarding the cause of the death.

8.Considering the above, this Court is inclined to issue a direction to the Dean of Government Rajaji Hospital, Madurai, to constitute a team of medical experts and to get an opinion regarding the cause of the death of the petitioner's husband within a period of one month from the date of receipt of a copy of this order and the second respondent, after getting the opinion, is directed to proceed with the investigation and file a final report in accordance with law within a period of two months thereafter.

9.With the above directions, this criminal original petition is disposed of.

Sd/-
Assistant Registrar (A.E)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

To

- 1.The Dean,
Government Rajaji Hospital, Madurai.
- 2.The Commissioner of Police,
Madurai City, Madurai.
- 3.The Inspector of Police,
Karimedu Police Station, Madurai City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 cc to Mr.S.VELLAICHAMY, Advocate, SR.No.3863

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