



CRL OP(MD). No.9876 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.07.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.9876 of 2024

R.Sivakumar

... Petitioner

Vs

1. State rep. by
The Inspector of Police,
Palanichettypatti Police Station,
Theni District.

2. Dr. Ramasamy,
3. Dr. Ambuli,
4. Dr. Rajalakshmi,
5. Dr. Hema,
6. Dr. Amarnath,
7. Mrs.Roja,
8. Mrs.Vijayalakshmi

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to register the FIR in compliance/obedience of order passed by the learned Judicial Magistrate Court, Theni in Crl M.P No. 2642 of 2024 dated 26.03.2024 and to investigate into the same in accordance with law.



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For Petitioner : Mr.S.Vignesh Shunmugam
for M/s.Ajmal Associates

For R-1 : E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking a direction to direct the respondent police to register the FIR in compliance of the order passed by the learned Judicial Magistrate, Theni, under Section 156(3) of Cr.P.C in CrI. M.P No.2642 of 2024 dated 26.03.2024 and to investigate the same in accordance with law.

2. The grievance of the petitioner is that the reference made by the learned Judicial Magistrate, Theni on 26.03.2024 has not been addressed by the respondent police.

3. The learned Additional Public Prosecutor on instruction from the respondent police submits that on 01.02.2024, the petitioner has lodged a complaint as against the private respondents that he admitted



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his wife for fatty treatment and the private respondents have treated the her from 02.12.2023 to 01.01.2024 and 16.01.2024. He further alleged that his wife died due to the treatment provided by the respondents No.2 to 8. On the complaint, they are conducting a petition enquiry in CSR No.147 of 2024. In the meantime, the petitioner herein appears to have lodged a complaint before the learned Judicial Magistrate, Theni, which has also been referred to the respondent police under Section 156(3) of Cr.P.C.

4. The learned Additional Public Prosecutor further submits that the petitioner's wife died on 16.01.2024, but the petitioner had lodged the complaint only on 01.02.2024 and the body has already been cremated. Without the body, the respondent police cannot find out the cause of the death. Even if the petitioner made some allegation as against the private respondents that his wife's death is only due to the treatment provided by the doctors, the respondent police cannot find out the truth without the body and without any postmortem certificate. Therefore, the respondent police are not in a position to proceed with a case and they have also made a request to the learned Judicial Magistrate, Theni, seeking one



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month time to file a report.

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5. This Court considered the rival submissions made.

6. The fact remains that the learned Judicial Magistrate, Theni, has referred the petitioner's complaint to the respondent police on 26.03.2024 under 156(3) of Cr.P.C. The respondent police is expected to conduct a proper enquiry and to take a decision within a period of two weeks from the date of receipt of a copy of this order and to take further course of action in accordance to law.

7. Accordingly, this Criminal Original Petition is closed.

04.07.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes
jbr



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B.PUGALENDHI,J

jbr

To

1. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
2. The Inspector of Police,
R.S Mangalam Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CrI.O.P.(MD)No.9876 of 2024

04.07.2024