



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.910/2022

Abhijit Rameshram Daware .Vs. State of Maharashtra and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms S. S. Jadhav, Advocate for petitioner.

Mr. G. . Umale, A.PP for respondent Nos. 1 to 5 & 7.

CORAM : ANIL L. PANSARE AND Y. G. KHOBRADE, JJ.

DATE : OCTOBER 13, 2025.

The petitioner has approached this Court with following prayers:

"I) Allow the present petition and direct to the respondent no.1, 2 and 3 to re-evaluate the final report of civil surgeon Wardha, General Hospital at Wardha of dated 16.7.2022 and call the fair and impartial enquiry and expert opinion from the team of experts of some other district,

II) further the respondent nos 1,2 and 3 be directed to take action against the Civil Surgeon for deliberately causing delay in conducting proper enquiry and deliberately harboring the respondent no 6.

III) Direct the respondent no 1 and 7 to inquiry of through state commission for women (SCW) and submit the fair and impartial final report before this Hon'ble court by constituting and independent committee to examine the case papers and also visit the Hospital of the respondent no.6 and record the statement of the petitioner and the relatives of the patient who was present at the hospital along with the deceased at the time of treatment and tragic incident of the wife of the petitioner.

IV) to prevent the maternal deaths and directions may kindly be issued to the State Government, the respondent no.7 to ensure all requisite steps to avoid maternal deaths, further directions be issued the State Government to constitute an Advisory Board of health care experts to draw up a

"Comprehensive Action Plan" to address the issue of maternal deaths.

V) Further the state Government may kindly be directed to draw or frame a scheme or policy to address the need for providing redress including award of compensation for every avoidable maternal death and the fixing of responsibility in a time bound manner.

VI) Direct the respondent no.1 and 7 the said framed policies or schemes shall be made equally extended and applicable to the private Hospitals as well.

VII) Pass an order and declare on the basis of the final report submitted as per the prayer clause II that the respondent no.6 was negligent at the time of the performing her duty while giving treatment to the wife of the petitioner by not attending within reasonable time and giving proper medical treatment within the reasonable time, despite of complaining severe pain in abdomen reported at about 7 pm the respondent no.6 was ignored and avoided to attend the patient immediate after reporting the pain by the nurse, by the petitioner and by the relatives of the deceased.

VIII) Direct the respondent no. 2 and 3, after the fair and impartial expert final report, initiate criminal proceeding by registering an offence punishable under section 304 A, 337, 338 of IPC against the respondent no.6 and section offence under section 201 of IPC may kindly be directed to registered against the respondent no.5.

IX) Grant any other relief as this Hon' ble Court may deem fit and proper in the circumstances of the case in the interest of justice."

2. The root cause of the prayer is the death of petitioner's wife at the time of delivering the child. According to petitioner, the police has not completed the inquiry and thus there is no action against the erring medical officers.

3. Counsel for petitioner submits that the report had been lodged with Police Station, Arvi. She submits that no action was taken by police. Therefore, correspondence was made with Superintendent of Police, Wardha. Despite that, First Information Report was not lodged.

4. If what has been stated by petitioner's counsel is true, appropriate remedy was to approach jurisdictional Magistrate under Section 156(3) of the Criminal Procedure Code, 1973 (Section 175 (3) of the Bhartiya Nagrik Suraksha Sanhita, 2023). Instead, aforesaid prayers are made which apparently cannot be granted in the light of its vagueness and also the subject matter which is attempted to be covered, indicating several deaths at the time of delivery, without there being any evidence in support.

5. That being so, we are of the view that the petitioner can approach appropriate forum for his grievance, which can be addressed under Section 156(3) of the Criminal Procedure Code, 1973 (Section 175 (3) of the Bhartiya Nagrik Suraksha Sanhita, 2023). The other sweeping and vague prayers cannot be granted.

6. The petition is accordingly dismissed with liberty to the petitioner to avail the remedy, as is available in law.

(JUDGE)

(JUDGE)