



Crl.O.P.(MD)No.13371 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

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Karthik

... Petitioner

Vs

1.The State of Tamilnadu Rep.By,
The Superintendent of Police,
Theni District,
Theni -625 531.

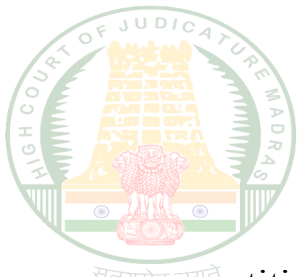
2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Theni District -625 531.

3.The Inspector of Police,
Gandamanur Vilakku Police Station,
Theni District -625 177.
Cr.No.120/2025.

4.The Inspector of Police,
CBCID, Theni District -625 531.

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the 1st respondent to withdraw the investigation of the above said case in Cr.No.120 of 2025 on the file of the 3rd respondent Police and to transfer the same to the 4th respondent department based on the



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petitioner's representation, dated 23.07.2025.

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For Petitioners : Mr.J.Vishnu.
For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor.

ORDER

The petitioner's wife died after delivery of their child at Government Hospital, Kanavilaku, Theni on 11.07.2025. The petitioner with an allegation as against the doctor, who conducted the delivery, has lodged a complaint before the respondent police and the same was registered in Crime No.120 of 2025, under Section 194 of BNSS, 2023.

2.Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor, who takes notice for the respondents submits that the surgery for the petitioner's wife for delivery of a baby was conducted on 10.07.2025 at 7.00 a.m at Government Hospital, Theni. Thereafter, she died due to over bleeding on the next day. On the complaint of the petitioner, a case in Crime No.120 of 2025 has been registered on 12.07.2025. They have conducted post mortem, inquest and also they have sent the collected materials for Viscera.



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3.The learned counsel for the petitioner submits that without arresting the bleeding, stitches have been made by the doctor and therefore, the petitioner's wife died due to over bleeding. According to him, it is purely medical negligence on the part of the doctor, who conducted the surgery.

4.The learned Additional Public Prosecutor submits that it is a technical aspect, which can be verified only by the team of experts, as directed by the Honourable Supreme Court in ***Jacob Mathew vs State of Punjab***, reported in ***AIR 2005 SC 3180***. He further submits that since the occurrence was taken place only on 11.07.2025, they have to refer the matter to the team of experts, after obtaining the Visara report and other medical documents. Therefore, according to the learned Additional Public Prosecutor, it is premature at this stage to find fault with the investigation agency that they are not conducting the investigation in a proper manner.



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5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioner, the husband of the deceased is having some apprehensions that the doctor, who conducted the surgery for his wife has not done it in a proper manner. He lodged a complaint, based on which, a case in Crime No.120 of 2025 has been registered under Section 194 of BNSS, 2023. Thereafter, postmortem was conducted and the collected materials have been sent for Viscera. The learned Additional Public Prosecutor submits that after collecting the viscera report, it will be forwarded to the team of medical experts to get their opinion and on receipt of their opinion, they would proceed with the further investigation. Since the case is at the initial stage and the allegations made by the petitioner are all technical in nature and further investigation can be conducted only after obtaining the expert opinion on the viscera report, this Court is not inclined to entertain this writ petition, by finding fault with the investigation agency.



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7. With a hope that the investigation agency would conduct the investigation in a fair and proper manner, this writ petition is closed with the following directions:-

- i. The respondent police shall furnish a copy of the Post Mortem Certificate, Viscera Report to the petitioner.
- ii. The petitioner can very well obtain opinion from the medical expert of his choice and shall forward the same to the investigation agency for verification.
- iii. The respondent police shall conduct the investigation, by following the guidelines issued by the Honourable Supreme Court in *Jacob Mathew vs State of Punjab*, reported in *AIR 2005 SC 3180*.
- iv. The respondent police shall intimate about the result of the complaint along with the required documents to the petitioner, including the CCTV footage of the postmortem conducted, if any.
- v. In case, if this petitioner is not satisfied with the result, it is open



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to him to agitate the same in the manner known to law.

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There shall be no order as to costs.

11.08.2025

NCC : Yes/No

Index : Yes/No

vrn

To

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Theni District,
Theni -625 531.
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O/o.The Deputy Superintendent of Police,
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B.PUGALENDHI, J.

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Order made in
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