

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO(S). 720-722 OF 2025
(ARISING FROM SLP(CRIMINAL) NO(S)4842-4844/2022)**

DR. MOHAN **... APPELLANT(S)**

Versus

THE STATE OF TAMIL NADU & **... RESPONDENT(S)**
ANR.

O R D E R

Leave granted. Heard learned counsel for the parties.

2. The appellant assails the correctness of an order dated 11th August, 2021 passed by the High Court of judicature at Madras in CrI.O.P. No. 25858 of 2016 and CrI.M.P. Nos. 12766 and 12767 of 2016 (miscellaneous petitions) filed under Section 482 CrPC for quashing the P.R.C. No. 20 of 2015 on the file of the Judicial Magistrate District Thiruvallur, State of Tamil Nadu registered under Section 304 Part I IPC.

3. The submission advanced by the learned counsel appearing for the appellant is that the appellant is a qualified medical practitioner and the offence alleged against him is of conveying/instructing a staff nurse to administer an injection over telephone which injection when administered to the patient, apparently reacted, resulting into his death. The submission is that this allegation would not constitute an offence under Section 304 Part-I IPC (culpable homicide not amounting to murder) and at most, the same could be covered by Section 304 A, IPC (causing death due to negligence).

4. It is further submitted that as against the staff nurse who had administered the injection on the instructions of the appellant, the proceedings have already been quashed by the High Court relying upon a three-Judge Bench decision of this Court in Jacob Mathew Vs. State of Punjab and Another¹. He, therefore, submits that the chargesheet filed under Section 304 Part 1 IPC cannot be sustained and, at best, could be maintained under Section 304 A, IPC.

¹ (2005) 6 SCC 1

5. Considering the facts and circumstances of this case, we are of the view that the registration of the FIR under Section 304 Part I IPC and the subsequent submission of police report under Section 173 (2) CrPC also under Section 304 Part I IPC cannot be sustained.

6. We accordingly allow the appeal, quash the impugned order(s), direct the Trial Court to waive the accusation under 304 Part I IPC and to proceed after reading over accusation under Section 304-A, IPC. The Sessions Judge will transmit the record to the Competent Magistrate assigned to deal with such matters for proceeding further with the trial.

7. The appeals are disposed of accordingly.

8. Pending application(s), if any, shall stand disposed of.

..... J.
[VIKRAM NATH]

..... J.
[SANDEEP MEHTA]

NEW DELHI;
FEBRUARY 12, 2025.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 4842-4844/2022

[Arising out of impugned final judgment and order dated 11-08-2021 in CRLP No. 25858/2016 11-08-2021 in CRLMP No. 12766/2016 11-08-2021 in CRLMP No. 12767/2016 passed by the High Court of Judicature at Madras]

DR. MOHAN

Petitioner(s)

VERSUS

THE STATE OF TAMIL NADU & ANR.
FOR ADMISSION and I.R.

Respondent(s)

IA No. 76210/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 52829/2023 - STAY APPLICATION

Date : 12-02-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) : Mr. Vikas Mehta, AOR
Mr. Ankit Vashisht, Adv.

For Respondent(s) : Mr. Sabarish Subramanian, AOR
Mr. Vishnu Unnikrishnan, Adv.
Ms. Jahnavi Taneja, Adv.
Mr. Avinash Tripathi, Adv.
Mr. Gourav Dahiya, Adv.
Mr. Danish Saifi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals are disposed of in terms of the
signed order.

Pending application(s), if any, shall stand
disposed of.

(SONIA BHASIN)
ASSISTANT REGISTRAR-CUM-PS

(RANJANA SHAILEY)
COURT MASTER (NSH)

[Signed order is placed on the file]