

Office of the
Director General of Police
Chennai - 4.

Dated : 7.10.2006.

Rc.No.209008/Con.IV(1)/2006

MEMORANDUM

Sub: Registration of cases against the fatal cases in Hospitals-filing of FIR u/s 304 (A) IPC - Instructions - Issued.

Ref: 1. Chief Office memo Re.No.85234/L & O/Con./97, dated 27.5.1987.

Time and again instructions have been issued that whenever fatal complications are likely to occur in spite of best efforts taken by the Doctors in their Hospital and Nursing Homes, Police and fault with them and cases u/s 304 (A) IPC have been registered against them apart from sealing the hospital or Nursing Home. This kind of act brings down the reputation of the hospital as well as the morale of the doctor. Indian Medical Association, Tamil Nadu State has requested to issue suitable instructions in this regard.

2. The Supreme Court of India, New Delhi in their judgment has indicated that doctors should not be held criminally responsible unless there is a prime facie evidence before the court in the form of a credible opinion from another competent doctor preferably a Government doctor in the same field of medicine supporting the charges of a rash and negligent act.

3. Based on the above judgment, it is once again reiterated that whenever a complaint of negligence on the part of Medical Practitioners / Doctors / Surgeons / Physicians is received no arrest filing of FIR u/s 304(A) IPC should be resorted to before getting an opinion from a competent authority. Such cases will be duly investigated by the investigating officers and any action should be fully supported by documentary evidence, supervisory approval strengthened with the opinion of law officer.

4. The above instructions should be followed scrupulously in future.

S/d/- D. MUKHERJEE
Director General of Police

To
All Superintendents of Police in Districts
All Commissioners of Police in Cities
All Deputy Inspectors General of Police
All Zonal Inspectors General of Police

Copy to :- The Addl. Director General of Police (L & O) for information.

/True copy/Forwarded by Order/

S. Teja V.
Personal Assistant (Admin)

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S. Teja V.