



CNR: KAHC010228712026

NC: 2026:KHC:54312
CRL.P No. 4983 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 4983 OF 2026

BETWEEN:

1. THE DOCTOR
CHINMAYA MISSION HOSPITAL,
REP. BY IT'S MEDICAL DIRECTOR
DR. U SUDHIR,
S/O TARANATH,
AGED ABOUT 61 YEARS,
R/AT 13 A MAIN, NEAR BSNL OFFICE,
HAL 2ND STAGE, BANGALORE NORTH-560008.
2. THE MANAGEMENT OF CHINMAYA
MISSION HOSPITAL
CHINMAYA MISSION HOSPITAL
REP. BY IT'S MEDICAL DIRECTOR
DR. U SUDHIR,
CHINMAYA MISSION HOSPITAL,
CMH ROAD, INDIRANAGAR,
BENGALURU - 560 038.

...PETITIONERS

(BY SRI HITESH GOWDA B.J, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY INDIRANAGAR POLICE,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE-560 001.
2. VIJAY KUMAR J,
S/O NOT KNOWN TO THE PETITIONER

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RAMNATH HEGDE





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AGED ABOUT 39 YEARS,
NO.29/2, 3RD FLOOR, 4TH MAIN,
INDIRA GANDHI STREET, A NARAYANAPURA,
DOORAVANI NAGAR (POST),
UDAYA NAGAR EXTENSION,
BANGALORE -560 016.

...RESPONDENTS

(BY SRI NAGHARISH G S, HCGP FOR R1,
SMT RAKSHA KEERTHANA K, ADVOCATE FOR
SRI KEMPARAJU, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH THE FIR AND COMPLAINT IN CRIME NO.0060/2026 INDIRANAGARA POLICE STATION FOR OFFENCES PUNISHABLE UNDER SEC. 125(b) OF THE BHARATIYA NYAYA SANHITA, 2023 PENDING ON THE FILE OF THE 10TH ADDL. CHIEF METROPOLITAN MAGISTRATE, AT BANGALORE (10TH ACMM).

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioners, the learned HCGP for respondent No.1 and the learned counsel for respondent No.1.

2. This petition is filed to quash the complaint in Crime No.060/2026 registered before Indiranagar Police Station, for the offence under Section 125(b) of the

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Bharatiya Nyaya Sanhita, 2023 pending before the Xth Additional Chief Metropolitan Magistrate, Bengaluru.

3. Learned counsel for the petitioners would submit that the six months' old daughter was admitted in the hospital for some ailment. She was administered drip for the ailment and the baby recovered and while the drip was being removed by the nurse, she accidentally did something which resulted in amputation of little finger of the baby. The nurse according to the complainant allegedly took the baby to the emergency ward and informed the doctor in-charge and the allegation is that the surgery took place four hours later.

4. Learned counsel for the petitioner would further submit that the allegation is not made against the doctor in the complaint and doctor admittedly, was not present when the alleged incident of chopping the little finger took place and the doctor being the paediatrician is not competent to carry out the surgery in respect of amputated little finger and the information was sent to the



District Health Officer and later, the surgeon was secured and surgery was conducted, as such, there cannot be any allegation of negligence on the part of the doctor.

5. Thus, learned counsel would contend that registration of FIR is abuse of the process of the Court.

6. Learned counsel for respondent No.2 would submit that though the doctor admittedly was not present when the little finger of the baby was chopped because of the negligence on the part of the nurse, the nurse brought it to the notice of the doctor on duty and for four hours the surgery was not done and the baby was kept under observation without any further treatment except providing some first aid. Thus, it is his contention that the inaction on the part of the doctor on duty in not securing the presence of the surgeon or not recommending the baby for higher treatment or surgery to a better hospital amounts to negligence and requires investigation.

7. The petitioner by way of reply would submit that the hospital/management has held enquiry against



accused No.1 - nurse and she has been suspended and enquiry is going on.

8. The Court has considered the contentions raised at the Bar and perused the records.

9. Prima facie, there is no dispute that the baby was admitted in a hospital for some ailment and she was being treated in the hospital and allegedly the nurse was removing the drip administered to the baby to the baby was being discharged as the doctor had advised for discharge of the baby. However, it appears that while removing the drip administered to the baby, the little finger of the baby is chopped off and the baby was kept in emergency ward for four hours. What exactly transpired in those four hours is the matter which requires to be investigated. If there is negligence on the part of the doctor in not taking care of the child, necessary precautions and following the necessary medical protocol, then, probably it may be case of negligence. In case, the doctors have taken necessary precautions and followed the



prescribed medical protocol in such situation, then it may not be case of negligence. This is exactly the matter which requires investigation when it comes to the complaint against the doctor.

10. Under these circumstances, the Court is of the view that there has to be an objective investigation relating to the matter. The Police Officer shall also take assistance of the expert on the subject to consider as to whether it was a case of negligence or not and thereafter, shall file appropriate report.

11. With these observations, the petition is ***disposed of.***

12. It is made clear that the Court has not expressed anything on the merits or demerits of the complaint.

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RAMNATH HEGDE

(ANANT RAMANATH HEGDE)
JUDGE

BRN
List No.: 1 Sl No.: 5