

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 2385/2026

Rajesh Gaur S/o Sh. Laxmi Narayan, Aged About 66 Years, R/o Shanti Nurshing Home, New Mandi Gharsana, Tehsil Gharsana, District Sri Ganganagar (Raj).

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Public Prosecutor
2. Subhas Chander S/o Om Prakash, R/o Khanuwali, Tehsil Rawla, District Sri Ganganagar (Raj).

-----Respondents

For Petitioner(s)	:	Mr. Dharendra Singh Daspa, Sr. Advocate assisted by Mr. DS Gharsana, Mr. IS Rathore, Mr. Sourav Shekhar
For Respondent(s)	:	Mr. Vikram Singh Rajpurohit, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

25/03/2026

Counsel for the petitioner submits that in the present case the petitioner is a practicing doctor and the incident regarding which FIR is registered is death of a pregnant lady during the course of delivery.

Counsel submits that petitioner had already referred the matter to the Higher Center. Attention is also drawn towards the inquiry report of Board of doctors constituted by the CMHO dated 11.03.2026, wherein no negligence of the petitioner has been found. It is stated that thereafter another report was sought from the Medical Board, which also does not disclose any negligence on

the part of the petitioner or any fault in the treatment given by him before referring the patient to Higher Center.

It is stated that the continuation of the FIR is nothing but gross abuse of the process of law and is contrary to the guidelines laid down by the Hon'ble Apex Court in the case of **Jacob Mathew Vs. State of Punjab, reported in 2005(6) SCC 01.**

It is stated that the Hon'ble Apex Court has clearly stated that the Investigating Agency before proceeding in the FIR has to seek report from competent government doctor.

Counsel further submits that other offence added into the case are only to frame the petitioner and to take case of the petitioner out of the scope of the guidelines laid down by Hon'ble Apex Court in Jacob Mathew (supra).

Learned Public Prosecutor, though, opposes the arguments raised but concur to the opinion of the Medical Board, report whereof clearly says that there is no negligence on the part of the petitioner.

This Court has considered averments made by the petitioner and has gone through the FIR as well as report of Medical Board. The report clearly states that there was no negligence of the petitioner.

There is merit in the submissions made by learned counsel and the matter deserves consideration.

Issue notice.

Learned Public Prosecutor accepts notice on behalf of respondent-State. Notice, thus, is required to be issued to respondent no.2 only, returnable within a period of four weeks.



In the meanwhile, the petitioner shall not be arrested in connection with FIR No.95/2026 registered at Police Station New Mandi Gharsana, District Sri Ganganagar. However, the petitioner shall be required to join the investigation.

(BALJINDER SINGH SANDHU),J

115-Sanjay/-