



CRIMINAL

Drawing The Line Between Medical Error And Criminal Negligence

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Introduction

The decision of the Hon'ble Punjab and Haryana High Court in *Vijay Kumar Dhawan and others v. Gurpreet Singh*¹ revisits the delicate intersection between criminal law and allegations of medical negligence. The case arose from a tragic maternal death following childbirth and raised the recurring question of when medical professionals can be subjected to criminal prosecution under Section 304-A of the Indian Penal Code. The judgment is significant for its reaffirmation of the safeguards laid down by the Hon'ble Supreme Court in *Jacob Mathew v. State of Punjab and another*², particularly against the mechanical initiation of criminal proceedings against doctors without credible medical opinion. By exercising its inherent powers under Section 482 of the Code of Criminal Procedure, the High Court highlights the need to prevent abuse of the criminal process in sensitive medical negligence cases.

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Factual Matrix

The respondent-complainant alleged that his wife, who was pregnant, was taken to Dhawan Nursing Home on the night of 1st January, 2015 after she developed labour pains. Initially, she was informed that a normal delivery would be conducted, and fees were deposited accordingly. Subsequently, it was conveyed that a surgical procedure was necessary. A fourth petitioner, a doctor from Guru Nanak Dev Hospital, Amritsar, was called in to perform the surgery. The complainant's wife delivered twin daughters but allegedly began bleeding profusely thereafter.

According to the complainant, he was not allowed to meet his wife and was later told that her uterus needed to be removed due to her critical condition. Her condition deteriorated further, and she was shifted to another hospital where she was operated upon again. Doctors at the subsequent hospital allegedly informed the complainant that the earlier surgery had not been properly performed, resulting in the spread of infection. Despite treatment, she succumbed on 5th January, 2015. Holding the doctors responsible for her death, the complainant initiated criminal proceedings.

A private complaint was filed before the Judicial Magistrate First Class, Patti. After recording preliminary evidence, including the testimony of the complainant, a relative, and a doctor from the hospital where subsequent treatment was provided, the Magistrate issued summons against the petitioners for offences under Section 304-A read with Section 34 IPC. Aggrieved by the summoning order, the petitioners approached the High Court seeking quashing of the complaint and all consequential proceedings.

Issues

1. Whether the summoning of the petitioners for the offence of causing death by negligence was sustainable in law in the absence of prima facie medical evidence establishing criminal negligence.
2. Whether the Magistrate had complied with the legal standards laid down by the Supreme Court for initiating criminal proceedings against medical professionals.

Parties' Submissions

The petitioners contended that the summoning order suffered from serious legal infirmities. Emphasis was placed on the testimony of CW-3, a senior medical professional, who had stated that the deceased was admitted in a stable condition and that her deterioration was due to postpartum haemorrhage and disseminated intravascular coagulation, known medical complications. It was argued that there was no medical evidence attributing negligence to the petitioners.

The petitioners also relied on the fact that, pursuant to earlier directions of the High Court, an inquiry had been conducted by a team of doctors constituted by the Civil Surgeon, which categorically found no lapse or negligence. Additionally, the complainant's consumer complaint on similar allegations had been dismissed in default. Relying heavily on *Jacob Mathew* and subsequent precedents, the petitioners argued that in the absence of credible medical opinion supporting negligence, criminal prosecution was impermissible.

The respondent-complainant, though served, remained unrepresented at the final stage of hearing.

Court's Analysis

The High Court undertook a detailed examination of the legal framework governing criminal prosecution for medical negligence. It reiterated that criminal liability under Section 304-A IPC requires a degree of negligence that is gross in nature and not merely an error of judgment or an unfortunate outcome. The Court referred to the principles laid down in *Jacob Mathew v. State of Punjab*, highlighting that criminal law should not be set in motion against doctors unless there is prima facie evidence in the form of a credible medical opinion pointing towards rashness or negligence.

Applying these principles to the facts of the case, the Court noted that even the doctor examined as a prosecution witness did not attribute negligence to the petitioners. The inquiry conducted by a board of doctors, pursuant to judicial directions, had also concluded that the sequence of events leading to death was natural and not a consequence of medical negligence. The Magistrate, however, had issued summons without adverting to these crucial aspects and without obtaining any independent medical opinion as mandated by Supreme Court jurisprudence.

The Court observed that the summoning order merely noted that death occurred due to complications in pregnancy, which by itself could not justify criminal prosecution. The failure of the Magistrate to distinguish between medical complications and criminal negligence, and the non-compliance with the procedural safeguards prescribed in *Jacob Mathew* and *Martin F. D'Souza*, rendered the order legally unsustainable.

Decision and Holding

Allowing the petition, the High Court quashed the criminal complaint as well as the summoning order dated 23rd March, 2018 and all subsequent proceedings arising therefrom insofar as they related to the petitioners. The Court held that the evidence on record did not disclose a prima facie case of criminal negligence and that continuation of the proceedings would amount to abuse of the process of law.

Conclusion

The ruling in *Vijay Kumar Dhawan and others v. Gurpreet Singh* exemplifies a balanced judicial approach to allegations of medical negligence resulting in death. While acknowledging the profound personal loss suffered by the complainant, the Court emphasized that criminal culpability cannot be inferred solely from a tragic outcome. By quashing the proceedings, the High Court upheld the principle that criminal law demands a higher threshold of proof, particularly in complex fields such as medical science, thereby preserving both the integrity of the justice system and the dignity of the medical profession.

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- 1. CRM-M-15772-2018 (O&M) ??
- 2. 2005 (3) RCR (Criminal) 836 ??

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