



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

WP CrI. No. 494 of 2026

M.Eswari
W/o.E.Magimaidass,
No.6, Bajanai Kovil Street,
Kadaperi, Thiruneermalai Road,
West Tambaram,
Chennai-45.

..Petitioner(s)

Vs

1. The Home Secretary,
O/o.The Home Secretary,
Government of Tamil Nadu, Secretariat, Fort
St.George,
Chennai - 600 009.
2. The Director General of Police,
Head of Police Force,
DR.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.
3. The Commissioner of Police,
O/o.The Commissioner of Police,
No.220, Pantheon Road,
Chennai-8.
4. The Joint Director Cum Head of Zone,
Central Bureau of Investigation,
3rd Floor, EVK Sampath Building,
College Road, Chennai-06.
5. The Assistant Commissioner of Police,
Tambaram City,
Tambaram.



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6. The Superintendent of Prison,
Central Prison,
Puzhal.
7. The Dean,
Stanley Medical College and Hospital,
Chennai.
8. The Inspector of Police,
Puzhal Police Station,
Tiruvallur District.
9. The Inspector of Police,
T-4 Shankar Nagar Police Station,
Tambaram City, Tambaram.
10. Mr. Periyasamy
Constable - Court PC,
T-4 Shankar Nagar Police Station,
Tambaram City, Tambaram.
11. Mr. Parthasarathy
Constable - Writer,
T-4 Shankar Nagar Police Station,
Tambaram City, Tambaram.
12. Mr. Chandran
Sub- Inspector of Police,
T-4 Shankar Nagar Police Station,
Tambaram City, Tambaram.

..Respondent(s)

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondent No.3 to transfer the investigation to Respondent No.4, pending investigation in FIR No.154 of 2026 on the file of Respondent No.7 or to a Special Investigation Team (SIT) to be headed by a retired judge of this Court.



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For Petitioner(s):

Mr.B.Mohan

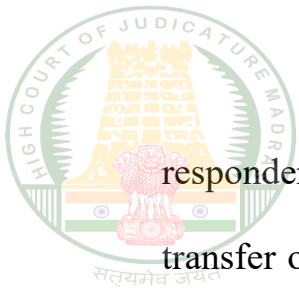
For Respondent(s):

Mr.R.Ganesh Kumar for R1 to R9
Counsel for Government of Tamil Nadu
(Criminal side)
High Court of Madras

ORDER

This writ petition has been filed for direction directing the third respondent to transfer the investigation to the fourth respondent pending investigation in FIR No.154 of 2026 on the file of the eighth respondent or to a special investigation team.

2.According to the petitioner, the petitioner's son was falsely implicated as accused in C.C.No.490 of 2023 on the file of the District Munsif cum Judicial Magistrate, Pallavaram, however, he could not appear before the trial Court on 12.02.2026. Hence the trial Court issued Non Bailable Warrant against him. On 13.02.2026, he was taken to custody by the respondents 10 to 12 herein and was remanded in Puzhal Prison. Thereafter on 18.02.2026, the police authorities informed that her son's health condition was critical and he was taken to Stanley Hospital for treatment. However, he died in the hospital and the body was buried under the compulsion of the police officials. Therefore, the FIR came to be registered in Cr.No.154 of 2026 under Section 196(1) of BNS, however, no fair investigation is to be conducted by the eighth



respondent since the police officials are involved in the case and sought for transfer of investigation from the file of the eighth respondent to the file of the fourth respondent or to a special investigation team.

3.The learned Counsel for Government of Tamil Nadu (Criminal Side) submitted that pending investigation in Cr.No.154 of 2026, the learned Judicial Magistrate, Madhavaram, has taken cognizance in Cr.No.154 of 2026 and started to conduct enquiry. Infact, immediately after the demise of the petitioner's son, the learned Judicial Magistrate, Madhavaram conducted inquest over the deceased body at the Stanley hospital in the presence of panchayatdars and thereafter the body was sent for post mortem and upon completion of post mortem, the deceased body was handed over to the deceased's wife. Now enquiry is pending on the file of the learned Judicial Magistrate, Madhavaram. That apart, the eighth respondent received post mortem report, opinion is pending for chemical analysis, histopathology report and biochemical analysis of pericardial fluid, blood and peritoneal fluid. Inquiry of the learned Judicial Magistrate, Madhavaram is pending and the report for forensic department and viscera report is awaited.

4.Now the learned Judicial Magistrate, Madhavaram has taken cognizance of the FIR in Cr.No.154 of 2026 for enquiry. Hence, transfer of investigation from the file of the eighth respondent to the file of the fourth



respondent or to a special investigation team does not arise.

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5.The learned Judicial Magistrate, Madhavaram, is directed to submit the enquiry report before the Assistant Commissioner of Police, Puzhal Police Station, Tiruvallur District, within a period of four weeks from the date of receipt of a copy of this order. On receipt of the said report, Assistant Commissioner of Police, Puzhal Police Station, Tiruvallur District, is directed to take appropriate action as against the accused, if any, in the manner known to law.

6.With the above direction, the writ petition is disposed of.

02-07-2026

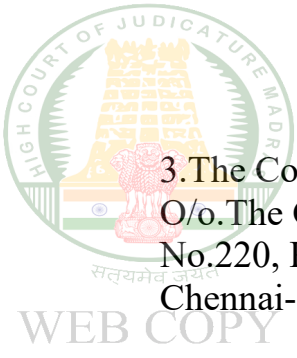
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

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O/o.The Home Secretary,
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Chennai - 600 009.

2.The Director General of Police,
Head of Police Force,
DR.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.



3.The Commissioner of Police,
O/o.The Commissioner of Police,
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12.Mr.Chandran
Sub- Inspector of Police,
T-4 Shankar Nagar Police Station,
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WP CrI. No. 494 of 2



G.K.ILANTHIRAIYAN, J.

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WP CrI. No. 494 of 2026

02-07-2026