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WP CrI. No. 782 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

WP CrI. No. 782 of 2026

M.Radhakrishnan
S/o.Murugesan,
No. 134, Nehru Street,
Thekai Thittu, Mudhaliyar Pettai,
Puducherry- 605 004.

..Petitioner(s)

Vs

1. The Union Territory of Puducherry
Rep. by the Under Secretary,
Home Department, Puducherry Union,
Puducherry.
2. The Director General of Police
Puducherry Union,
Puducherry.

..Respondent(s)

Prayer: Writ Petition Criminal filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records in the order bearing No. NIL dated 17.11.2025 passed by respondent no.2 and quash the same and direct the respondents to award compensation to the petitioner's family for the custodial killing of the petitioner's son

For Petitioner(s):

Mr.P.Pugalenth

For Respondent(s):

Mr.Kumanan for R1
Additional Government Pleader (P)
Mrs.G.Djerany for R2
Government Advocate (P)



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ORDER

This Writ Petition has been filed challenging the order dated 17.11.2025, thereby rejected the request made by the petitioner seeking compensation for the murder of the petitioner's son.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader Puducherry appearing for the 1st respondent and the learned Government Advocate, Puducherry appearing for the 2nd respondent and perused the entire documents placed on record.

3. On going through the entire documents it is seen that the petitioner's son was arrested and remanded to judicial custody in pursuant to the registration of FIR No.101 of 2004 on the file of the Mudaliarpur Police Station, Puducherry. After filing the final report, the case has been taken cognizance by the trial court in S.C.No.57 of 2004 for the offence punishable under Section 302 of IPC. While the petitioner's son was returning to Prison, after attending the trial on 10.08.2012, at about 4.00 P.M., he was murdered by his rival gang, who were about 20 persons. In fact, due to the said attack, the police personnel also sustained injuries and therefore, immediately FIR was registered as against the accused persons and the trial ended in acquittal as

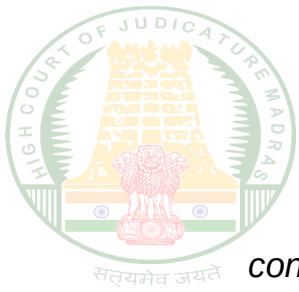


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against the accused persons and departmental action was also taken against the person, who escorted the deceased accused under Section 176(1)(A) of Cr.P.C., After completion of enquiry, concerned police officer was given warning. Further, a standard operating procedure was introduced to strengthen the security measures during prisoner transit and to prevent recurrence of such incidents.

4. It is pertinent to point out that the petitioner, being father of the deceased, submitted a representation seeking compensation and also to take appropriate action against the personnel, who failed to give proper security to his son, the same was not considered, as such, the petitioner approached this Court by way of Writ Petition in W.P.No.21347 of 2014 and this Court, by an order dated 03.06.2025 disposed of the said petition, wherein at Paragraph Nos.6 and 7, it is observed as follows:-

“6. In the considered view of this Court, the demise of the petitioner has taken place due to the attack made by the rival gang. In fact, in that attack, even the police officials were injured. Unfortunately, the case ended in acquittal in the year 2014. An enquiry was conducted by the learned Judicial Magistrate II, Puducherry, under Section 176(1)(A) Cr.P.C., and a report has been submitted. During enquiry, the police officials, who escorted the accused person were enquired. Therefore, the respondents are taking a stand that the demise of the petitioner's son cannot be



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considered as a custodial death and consequently, the petitioner will not be entitled for payment of any compensation.

7. In view of the above discussion, there shall be direction to the second repondent to convey to the petitioner the decision taken on the representation, within a period of four (4) weeks from the date of receipt of a copy of this order."

Thus it is clear that the enquiry was conducted by the learned Judicial Magistrate II, Puducherry and a report was submitted and during the enquiry it revealed that police officials, who escorted the accused had also sustained injuries. It is not the case of the petitioner that his son was murdered while he was in the custody of the police. The occurrence took place during the transit of the accused from trial court to prison.

5. That apart, the learned counsel appearing for the petitioner relied upon the Judgment of this Court in W.P.No.10726 of 1999 [Tmt.Rohini Lingam Vs. State and Ors.,] dated 30.04.2008, in which, this Court, held that the death was caused in the prison, Sub Jail, therefore, it is the duty of the State to provide adequate provisions to the Sub Jail to preserve the accused, who is facing trial, therefore, this Court had ordered compensation to the family members of the deceased. The said case is not at all applicable to the present case on hand, for the simple reason that admittedly, the deceased was murdered during his transit from the trial court to prison. In fact, the



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learned Judicial Magistrate No.II, Puducherry, conducted enquiry and found that some of the police personnels, who escorted the accused also sustained injuries, therefore, the request made by the petitioner was rightly rejected by the 2nd respondent and there is no infirmity or illegality in the order passed by the 2nd respondent.

Accordingly, the present Writ Petition is dismissed. No costs.

25-06-2026

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

To

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Rep. by the Under Secretary,
Home Department,
Puducherry Union,
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2. The Director General of Police
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G.K.ILANTHIRAIYAN, J.

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