



W.P. Criminal (MD) No.4723 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2026

CORAM

THE HONOURABLE DR. JUSTICE P. MURUGAN

W.P. Criminal (MD) No.4723 of 2026

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... Petitioner

Vs

1. The Principal Secretary to the Government,
Health and Family Welfare Department,
Government of Tamilnadu, Chennai.

2. The Secretary to the Government,
Home (Police) Department,
St.George Fort, Chennai.

3. The District Collector,,
Office of the Collectorate Building,
Madurai District..

4. The Dean, Government Rajaji Hospital, Madurai.

5. The Commissioner of Police,
Office of the Commissioner of Police, Madurai.

6. The Inspector of Police,
Keeraithurai Police Station, Madurai City,
(In Crime No. 470 of 2026).



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7. The Inspector of Police,
Chinthamani Police Station, Madurai City.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 4th Respondent to conduct Post Mortem for deceased husband (i.e)Paramasivam by a Team of three Senior Professors from the Forensic Department of Madurai, Theni and Sivagangai Government Medical College Hospital under Full Video coverage with the help of Scientific Officer consequently directing the 5th respondent to preserve the CCTV Footage of the Chinthamani Police Station I.e., 7th respondent on 18.07.2026 to 20.07.2026 in the light of the case in Cr.No.470 of 2026 on the file of the 5th respondent police within time frame as fixed by this Court.

For Petitioner :Mr.D.S.Haroon Rasheed

For R1 to R4 :Mr.B.Saravanan
Additional Advocate General
Assist by
Mr.A.Sivasubramanian
Additional Advocate General

For R5 to R7 :Ms.V.Moushica
Counsel for State of TN (Crl.Side)



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ORDER

The relief sought for in this writ petition is that to direct the 4th Respondent to conduct Post Mortem on the body of the deceased (i.e) Paramasivam, husband of the petitioner, by a Team of three Senior Professors from the Forensic Department of Madurai, Theni and Sivagangai Government Medical College Hospital under full video coverage with the help of Scientific Officer, consequently directing the 5th respondent to preserve the CCTV Footage of the Chinthamani Police Station / 7th respondent from 18.07.2026 to 20.07.2026 in connection with the Cr.No.470 of 2026 on the file of the 6th respondent police.

2. In support of the facts narrated in the writ petition, the learned counsel for the petitioner submitted that the petitioner and her husband had a vehicle parking issue with their neighbour, Malathy and her husband, due to which, there was an altercation between two groups. The said Malathy had filed a complaint against



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the petitioner and her husband before the 7th respondent police station and the same was registered in Cr.No.379 of 2026. For the same incident, the petitioner has given another complaint before the same police station against Malathy and the same was registered in Cr.No.404 of 2026.

3. It is further submitted by the learned counsel for the petitioner that in connection with the complaint given by the said Malathy, the 7th respondent police has enquired the matter on 19.07.2026 in the police station. During that course of enquiry, the police officials viz., Vijayakumar, Inspector of Police, Jaikumar, Sub Inspector of Police, Anand, Constable and two other police officials attached to the 7th respondent police station assaulted the deceased with the hand and legs with shoe. Thereby, the husband of the petitioner fainted in the police station itself and admitted in the Hospital. After taking treatment, he was discharged from the Hospital. Thereafter, on 05.08.2026, he was admitted in the Government Hospital. Due to the injuries sustained by her husband,



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the Doctors advised to go for surgery. Thereafter, her husband was admitted in Velammal Hospital, Madurai on 11.08.2026. On 14.08.2026, the Doctor declared him as Brain dead and thereafter, on 16.08.2026, he died in the said Hospital itself. Having the police officials assaulted the petitioner's husband on 19.07.2026, he died on 16.08.2026. In this regard, the petitioner filed a complaint before the 6th respondent police and the same was registered in Cr.No.470 of 2026.

4. Having suspicious over the death of the deceased, the petitioner seeks a direction to conduct Post Mortem by a Team of three Senior Professors from the Forensic Department of Madurai, Theni and Sivagangai Government Medical College Hospital, with full Video coverage, in addition to preserve the CCTV Footage of the Chinthamani Police Station from 18.07.2026 to 20.07.2026, for the purpose of conducting investigation in Cr.No.470 of 2026.



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5. The learned Additional Advocate General appearing

for the respondents 1 to 4 submitted that the first prayer sought for in the writ petition that to conduct Post Mortem on the body of deceased husband by a Team of three Senior Professors from the Forensic Department of Madurai, Theni and Sivagangai Government Medical College Hospital is not at all required, since the Dean, Madurai Medical College has no control over the Medical College Hospitals at Theni and Sivagangai. Further, there is no lock-up death or custodial death. The deceased was enquired by the 7th respondent formally in connection with Cr.No.379 of 2026 and he was not arrested. As per own statement of the petitioner, her husband had sustained injuries on his own and admitted in different Hospitals and later, died. Hence, the police officials are no way connected with the death of the deceased. However, the complaint given by the petitioner has been registered by the 6th respondent police in Cr.No.470 of 2026 and the Post Mortem would be conducted by the Senior Doctor and the entire post mortem would be videographed for the purpose of further investigation to ascertain the cause of death.



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6. The learned Additional Advocate General further submitted that as far as the prayer with regard to preserve the CCTV footage of the 7th respondent police station from 18.07.2026 to 20.07.2026 is concerned, the said Police station viz., Chinthamani Police Station is recently bifurcated from the 6th respondent police station during December, 2025, therefore, CCTV has not been installed sofar. Therefore, CCTV footage is not available in the said police station as requested by the petitioner.

7. At this juncture, the learned counsel for the petitioner submitted that if that is so, whether the CCTV footage is installed or not, to be ascertained from the physical inspection conducted by any one of the Court Commissioner appointed by this Court. He further submits that, whenever such kind of incident happened, the police officials may remove or destroy the footages from the police station, in order to escape from the clutches of law.

8. The learned Additional Advocate General further submitted that since the petitioner has made a complaint on suspicion, to



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avoid any controversy in the investigation, the Assistant Commissioner, Therkkutheru, Madurai has requested the Revenue Divisional Officer, Melur to conduct inquest, in order to get a clear picture. He further submitted that the RDO, Melur has conducted inquest on the dead body on 16.08.2026 itself and the dead body was handed over to the Medical Officer for conducting post mortem. However, the post mortem is yet to be commenced.

9. His submission is recorded.

10. The learned counsel for the petitioner relied upon the decision of Division Bench of this Court in ***RM.Arun Swaminathan Vs Principal Secretary to the Government and others in WP(MD) No.78 of 2019, dated 28.09.2020***, in which, this Court has issued comprehensive directions how to conduct post mortem in a case of lock-up death or custodial death. The learned counsel for the petitioner referred to the directions No.6, 7 and 8 issued by this Court in paragraph No.51 of the said decision, which is extracted as follows:



“51. In view of the above, the following directions are given while disposing of the writ petition:

(i).....

(vi) There shall be a direction to the respondents to videograph post-mortems whenever a request is made by the relatives or friends of the deceased.

(vii) There shall be a notice in the hospitals especially in the mortuaries, dissection halls informing that there will be videographing of post-mortem in case of request apart from advertising in the newspaper that at the request of relatives, videographing of post-mortem could be done

(viii) All important points in the mortuaries as well as in the dissection halls, CCTV cameras shall be placed and shall be operational at all times.

(ix) ...”

11. The learned counsel for the petitioner also relied upon the decision of the Court in ***Santosh Vs District Collector, Madurai and others in WP(MD) No.12608 of 2020, dated 02.12.2020***, in which, the



directions given by the Division Bench have been referred by the learned Single Judge. In the said decision, this Court has issued directions to conduct post mortem for the second time under Phase I to VI. Referring these decisions, the learned counsel for the petitioner submitted that in this case, the post mortem has to be conducted by a Team of three Senior Professors from the Forensic Department.

12. However, the learned Additional Advocate General contended that the later decision relied upon by the learned counsel for the petitioner relates to a case where a post-mortem examination was sought to be conducted for the second time. In the present case, the matter pertains to conducting the post-mortem examination for the first time. Hence, it is submitted that the said decision is not applicable to the facts of the present case.

13. The learned counsel for the petitioner further submitted that only due to the assault made by the police personnel, the deceased died, not at once, after 25 days. He further submitted that based on the complaint given by the said Malathy, the deceased was called for



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enquiry on 19.07.2026 and he attended the enquiry. Therefore, the deceased was at the custody of the 7th respondent police on that day.

During interrogation, the police officials assaulted the deceased and they took the deceased to a private Hospital and gave first-aid treatment. After that the police officials left the deceased. On the next day, ie., 20.07.2026, the deceased was admitted in the Government Hospital. Therefore, the deceased was under the custody of the 7th respondent police on 19.07.2026. Hence, the provision under Section 196(2) of BNSS has to be invoked and the Jurisdictional Judicial Magistrate has to be ordered to conduct inquest to know the cause of death, in addition to the enquiry of Revenue Divisional Officer.

14. The learned Additional Advocate General submitted that the deceased was not under the custody of police official. The deceased was died in the private hospital on 16.08.2026, after the alleged enquiry on 19.07.2026. Therefore, there is no requirement to conduct inquest by the Jurisdictional Magistrate, as per Section 196(2) of BNSS.



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15. Considering the facts and circumstances of the case, it is seen that the complaint given by the petitioner was registered in Cr.No. 470 of 2026 on 16.08.2026. The contents in the FIR reveal that due to the assault made by the police officials at the 7th respondent police station on 19.07.2026, the deceased was taken to Government Rajaji Hospital, Madurai on 05.08.2026, ultimately, he was declared dead on 16.08.2026.

16. Section 196 (2) of BNSS runs as,

Where, (a) any person dies or disappears; or (b) rape is alleged to have been committed on any woman, while such person or woman is in the custody of the police or in any other custody authorised by the Magistrate or the Court, under this Sanhita in addition to the inquiry or investigation held by the police, an inquiry shall be held by the Magistrate within whose local jurisdiction the offence has been committed.”

17. In view of the above facts, there is a prima facie as per the FIR that the deceased was interrogated by the police officials at



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the 7th respondent police and during that time, there was assault made by the police officials. Hence, enquiry has to be conducted by the jurisdictional Magistrate as per Section 196(2) of BNSS in order to know the cause of death and this Court is inclined to pass the following orders:

- a) *The learned **Judicial Magistrate No.IV, Madurai**, who is having jurisdiction over the 7th respondent police is ordered to conduct inquest/inquiry on the dead body of the deceased viz., Paramasivam at Government Rajaji Hospital, Madurai and record the statements from the required witnesses and prepare a report about the cause of death. After the enquiry, the dead body should be handed over to the Dean, Government Hospital, Madurai for conducting post-mortem.*
- b) *The Deans, Government Hospital, Madurai, Sivagangai, Theni are directed to nominate a Senior Professor each from the Forensic Department to conduct joint Postmortem on the dead body, with the assistance of Scientific Officer from the Forensic Department.*



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- c) *The entire post mortem should be videographed and it should be kept under the sealed cover and send to the concerned Court.*
- d) ***Mr.Aairam K. Selvakumar**, Advocate is appointed as Court Commissioner to inspect the Chinthamani Police Station/7th respondent and report whether CCTV has been erected or not and whether there is any sanction order for installation of CCTV. He is further directed to take some photographs or videographs and collect some documents in this regard. The 7th respondent police is directed to extend co-operation for the inspection to be conducted by the Court Commissioner. The Court Commissioner is directed to complete his inspection and file a report before this Court within a period of two weeks from the date of this order.*



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- e) *The Court Commissioner voluntarily expressed his willingness to undertake the aforesaid work without any remuneration.*
- f) *Since the dead body is kept in the Mortuary from 16.08.2026, the Dean, Government Hospital, Madurai is directed to nominate Senior Professors in consultation with the Deans of the Government Hospitals at Sivagangai and Theni and proceed with the post mortem at the earliest.*
- g) *The Judicial Magistrate No.IV, Madurai is directed to proceed to the Hospital and conduct inquest on the morning of 18.08.2026 itself.*
- h) *The Chief Judicial Magistrate, Madurai is directed to permit the Judicial Magistrate No.IV, Madurai to avail Official Duty (OD) for conducting the inquest and recording the statements of the concerned witnesses.*



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18. With the above observations, this Writ Petition stands disposed of.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

17.08.2026

Note :Issue order copy on today (17.08.2026)

PNM

To

1.The Judicial Magistrate No.IV, Madurai

2. The Principal Secretary to the Government,
Health and Family Welfare Department,
Government of Tamilnadu, Chennai.

3. The Secretary to the Government,
Home (Police) Department, St.George Fort, Chennai.

4. The District Collector,,
Office of the Collectorate Building,
Madurai District.

5. The Dean,
Government Rajaji Hospital, Madurai.

6. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai.



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7. The Inspector of Police,
Keeraithurai Police Station,
Madurai City, (In Crime No. 470 of 2026).

8. The Inspector of Police,
Chinthamani Police Station,
Madurai City.

9.Mr.Aairam K Selvakumar

10.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.P.MURUGAN, J.

PNM

ORDER IN
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