

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER
and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.2649 of 2016

Ms.R.Jayalakshmi

... Petitioner

-vs-

1. The Commissioner of Police,
No.132, EVK Sampath Road,
Vepery,
Chennai - 600 007.

2. The Inspector of Police,
P.3 Vysarpadi Police Station,
Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the second respondent to produce the petitioner's son named R.Vignesh, aged about 18 years before this Court.

For Petitioner : Ms.P.Uma

For Respondents : Mr.V.M.R.Rajentran
Additional Public Prosecutor

O R D E R

[Order of the Court was made by RAJIV SHAKDHER, J.]

1. Mr.V.M.R.Rajentran, learned Additional Public Prosecutor, has filed a status report dated 06.12.2017.

1.1. As per the status report, an unidentified dead body was found lying on the Madhavaram - Tambaram Bypass Service Road, on 10.10.2016.

1.2. Based on the complaint received in that behalf from one Mr.Balaji, a case was registered in M.3 Puzhal Police Station.

1.3. This case was numbered Crime No1272 of 2016. The investigation was taken up and inquest was carried out.

1.4 The status report also shows that after postmortem was also being carried out.

2. It appears that the petitioner, who is the mother of the detainee, was unaware of all these till the police on 01.12.2017 showed her a photo of the dead body. Which had features resembling her son.

2.1. The petitioner evidently, has identified her son from the photo of the dead body found by the police.

3. It appears that the police had recorded the statement of other relatives of the detainee. It also appears that the dead body carries a tattoo "RJ" on his left shoulder, which appears to be that of the deceased.

4. In these circumstances, the counsel for the petitioner says that the petitioner had filed a missing complaint as far back as on 14.10.2016. It is further submitted that the police has been callous in not carrying out the enquiries as mandated by law. In this behalf, learned counsel has placed emphasis on the fact that even according to the status report, the dead body was found by the Puzhal Police on 10.10.2016 and, though, the complaint regarding the detainee had been lodged a day earlier, i.e., 09.10.2017, no steps were taken to inform the petitioner till as late as 01.12.2017.

5. In these circumstances, the counsel for the petitioner says that the petitioner is entitled to take recourse to other remedies to agitate her rights with regard to the negligence and callousness displayed by the state authorities.

6. Having heard the learned counsel for the petitioner and perused the records, keeping in mind the nature of instant petition, no further orders can be passed. Liberty is, however, given to the petitioner to agitate her rights with regard to her grievance qua the State by way of a fresh action,

7. Before we conclude, we direct the respondents to render all assistance to the petitioner to get her compensation, as according to them, the detainee died in a hit and run episode.

8. The petition is disposed of, accordingly, in the aforementioned terms. The respondent shall furnish a copy of the postmortem certificate and inquest report to the petitioner, not later than 10 days from today.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vrc

To:

1. The Commissioner of Police,
No.132, EVK Sampath Road,
Vepery,
Chennai - 600 007.
2. The Inspector of Police,
P.3 Vysarpadi Police Station,
Chennai
3. The Public Prosecutor,
Madras High Court, Madras.
4. The Section Officer,
Criminal Section, High Court, Madras

+1cc to Ms.P.Uma, Advocate, S.R.No.87107

H.C.P.No.2649 of 2016

KK(CO)
CS/17/01/18

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