



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No. 12596 of 2017

and

W.M.P.(MD) No. 9735 of 2017

S.V.Babu

... Petitioner

-Vs-

1.The Director General of Police,
O/o. Director General of Police,
Dr.Radhakrishnan Road,
Mylapore, Chennai.

2.The District Collector,
Thanjavur District.

3.The Superintendent of Police,
Thanjavur District.

4.The Revenue Divisional Officer,
Thanjavur District.

5.The Inspector of Police,
Thirukattupalli Police Station,
Thirukattupalli,
Thanjavur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Inspector of Police, Thirukattupalli Police Station, the 5th respondent herein to conduct the Post-Mortem to the body of petitioner's wife namely UshaRani with the supervision of the Revenue Divisional Officer, the 4th respondent herein, on the basis of the petitioner's representation dated 29.06.2017 and 04.07.2017.

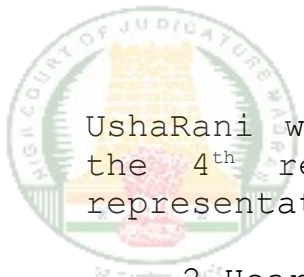
For Petitioner : Mr.R.Rajaraman

For Respondents : Mr.A.K.Baskarapandian

Special Government Pleader

O R D E R

The petitioner has come forward with this Writ Petition for
issuance of Writ of Mandamus, to direct the Inspector of
Police, Thirukattupalli Police Station, the 5th respondent herein
to conduct the Post-Mortem to the body of petitioner's wife namely



UshaRani with the supervision of the Revenue Divisional Officer, the 4th respondent herein, on the basis of the petitioner's representation dated 29.06.2017 and 04.07.2017.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The petitioner stated that he is a citizen of Singapore and he married one Usha Rani as per Christian Customs and Rites at Thindivanam Viakulamatha Church in the year 2013. The petitioner further stated that his wife was a post graduate and he is a M.Tech graduate and working in Singapore. It is the further case of the petitioner that his wife and himself married and lead a happy married life in a rented house at Senthalai village. Due to his love and affection the petitioner purchased a land to an extend of 2 acres in the name of his wife at Koothur Village, Thiruvaiyaru Taluk, Thanjavur District. He also stated that he purchased a plot in the name of his wife at Anbu Nagar, in which he has constructed a house in two floors.

4. It is stated that the petitioner's wife's uncle and other relatives informed over phone to the petitioner about the death of his wife on 21.06.2017. Since the petitioner's wife was hale and healthy, the petitioner has some doubts about the death of his wife. It is further stated that the body of the petitioner's wife was buried on the same day without any enquiry or post-mortem. The petitioner further stated that some of the relatives of the petitioner's wife have informed him that his wife consumed poison and somebody else told him that his wife was poisoned. It is in these circumstances the petitioner has come forward with the above Writ Petition, seeking a direction for re-post-mortem to the body of the petitioner's wife.

5. However, on enquiry it is revealed that the petitioner is not the real husband of the said UshaRani, the petitioner himself admitted that the said UshaRani was the wife of the petitioner's brother. In this circumstances the records produced by the petitioner, showing the petitioner as the husband of the deceased UshaRani, are obtained either furnishing false information or by suppressing the material facts. It is to be noted that the petitioner had earlier visited his native immediately after the death of the said UshaRani and he did not make any allegations and did not raise any suspicion about the death of said Usha Rani, only after sometime a representation came from the petitioner after the preliminary report was filed by the third respondent. In the preliminary report it was stated as follows:

<https://hcservices.ecourts.gov.in/hcservices/> I submit that I enquired the deceased Usharani's father Anthonysamy, he stated that, Usharani was often feeling unwell, and suffered from fever and head ache,



at that time he had taken her to Thirukkattupalli Government Hospital and she was also becoming lean day by day. On 20.06.2017 early morning by she cried of chest pain and she was taken by her father and by one Adaikalamery and husband charless in a car bearing registration number Tamil Nadu 49 AE 7083 to the Thirukkattupalli government hospital. But usharani died on the way hear Michealpatty, when Anthonisamy kept his ear over her chest and found that there was no breath, and taken back the deceased Usharani to his home. Then informed her husband Thomas Prabakar by phone who came from Chennai on 21.06.2017 morning with the help of him and village people, she was buried in a good manner. Anthonisamy stated that his daughter usharani died because of chest pain only and there is no doubt in her death. Also her husband Thomas Prabhakar in his statement told that he treated his wife only for chest pain when they were living together and there is no doubt in her death. The driver of the vehicle who taken her to hospital given a statement before me that he saw Usharani alive and she cried put both her hands in her chest and she died only on her way to hospital.

I submit that on enquiry of Pass-Port, it has been found that initially the petitioner fabricated marriage certificate from a notary public and using the marriage certificate, he obtained the Pass-Port in a fraudulent manner. For which police verification had been conducted in the Naducauvery police station, for which two witnesses had signed namely Elangovan and Charles. On enquiring them they denied the signature and stated that they know nothing about the Pass-Port or police enquiry.

I submit that on enquiry of Aadhar card, it is also a created one. In which the original Aadhar card bearing no.4514 0521 7795 the actual date is 24.12.2013, wherein the fabricated one, the address and husband name stands fraudulently changed and generated on 11.02.2017 and its download date is 19.03.2017."

6.Having regard to the circumstances and facts stated in the report this Court is fully convinced that there is no need to continue the aforesaid enquiry. The petitioner has come forward with the false identity of said UshaRani and this Court do not find any bona fide in this petition. Having regard to the fact that the lady by name UshaRani had some physical ailment and due to severe chest pain she died, this Court is not in a position to find any reason to entertain this Writ Petition. Hence, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.



7.However, some documents were recovered by the third respondent at the time of enquiry. The documents which are found to the genuine may be returned to him.

Sd/-

Assistant Registrar(P&A)

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/True Copy/

Sub Assistant Registrar.

To

1.The Director General of Police,
O/o. Director General of Police,
Dr.Radhakrishnan Road,
Mylapore,
Chennai.

2.The District Collector,
Thanjavur District.

3.The Superintendent of Police,
Thanjavur District.

4.The Revenue Divisional Officer,
Thanjavur District.

5.The Inspector of Police,
Thirukattupalli Police Station,
Thirukattupalli,
Thanjavur District.

+1CC to Mr.R.Rajaraman, Advocate, SR.No. 76741

+1CC to the Special Government Pleader SR.No. 77339

W.P.(MD) No. 12596 of 2017

05.09.2017

ls/ta

AM/JC/SAR 1/04.10.2017/4P/8C