



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2017

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THE HON'BLE Mr.JUSTICE P.N.PRAKASH

W.P. (MD) No.14528 of 2016

and

W.M.P. (MD) .Nos.10786 to 10788 of 2016

Abdul Lathif

... Petitioner

-vs-

- 1.The State of Tamilnadu,
Represented by The Secretary to Government,
The Home Department,
Government of Tamil Nadu,
Secretariat, Fort St. George, Chennai.
- 2.The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.
- 3.The Joint Director,
Central Bureau of Investigation,
Shastri Nagar, Adaya, Chennai.
- 4.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
- 5.The Dean,
Government Hospital, Ramanathapuram.
- 6.The Dean,
Madurai Rajaji Hospital, Madurai.
- 7.The Deputy Superintendent of Police,
Kilakarai Range,
Ramanathapuram District.
- 8.The Inspector of Police,
Ervadi Police Station, Ramanathapuram District. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct the respondent No.4 to register FIR on the basis of the complaint dated 08.08.2016 given by the mother of the deceased namely Mohamed Asia, for the custodial death of the deceased namely Shaik Alavudeen under section 302 of Indian Penal Code against the police officials, consequently



transfer the investigation of the case relating to the custodial death of Shaik Alavudeen to Respondent No.3 for complete the investigation.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader

O R D E R

It is the case of the petitioner that his nephew Sheik Alavudeen has been done to death by the police and therefore, he has filed the present writ petition with the above prayer.

2. The Superintendent of Police, Ramanathapuram District has filed a status report, wherein, it is stated as follows:

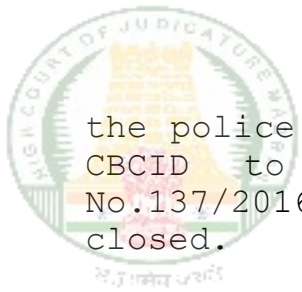
"The Superintendent of Police, Ramanathapuram authorised Mr.K.Ashokan, Deputy Superintendent of Police, Prohibition Enforcement Wing, Ramanathapuram to take up investigation of the case vide proceedings in C.No.121/SP/Camp/RMD/2016 dated 08.08.2016.

The inquest was held by the Judicial Magistrate NO.II, Ramanathapuram and on his requisition, autopsy on the dead body of Sheik Alaudeen was conducted by a team of Medical Officers and the same was videographed. The dead body was handed over to its relatives for burial. Viscera has been preserved for chemical analysis and the final report as to cause of death is yet to be ascertained. The judicial enquiry is in progress by the Judicial Magistrate, No.II, Ramanathapuram.

Preliminary investigation by the D.S.P, PEW, Ramanathapuram, reveals that Al Sheik Alaudeen has involved in 24 cases of murder, burglary, robbery etc., in Madurai City, Chennai City and Ramanathapuram Districts including 5 cases of Erwadi Dhargha P.S. He was also detained under the Tamil Nadu Act 14/82 in the year 2014 and he has been watched as a K.D. in the History Sheet No.189/15 in Erwadi Dhargha P.S.

The case in Cr.No.137/16, u/s.176(1-A) Cr.PC 1973 has been ordered to be transferred to the CBCID for investigation and the orders have been received on 16.08.2016."

3. From the above, it is apparent that magisterial inquest has been done and a case has also been transferred to CBCID. At this juncture, it will not be appropriate for this Court to give any finding with regard to the allegations and counter allegations of the parties and that will undoubtedly prejudice the investigation of



the police. Hence, this petition is closed with a direction to the CBCID to expeditiously conduct the investigation in Crime No.137/2016. Consequently connected Miscellaneous Petitions are closed.

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/True copy/

Sd/-

Assistant Registrar (CS-III)

Sub Assistant Registrar

To

- 1.The Secretary to Government,
The Home Department,
Government of Tamil Nadu,
Secretariat, Fort St. George, Chennai.
- 2.The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.
- 3.The Joint Director,
Central Bureau of Investigation,
Shastri Nagar, Adaya, Chennai.
- 4.The Superintendent of Police,
Office of the Superintendent of Police,
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- 5.The Dean,
Government Hospital, Ramanathapuram.
- 6.The Dean,
Madurai Rajaji Hospital, Madurai.
- 7.The Deputy Superintendent of Police,
Kilakarai Range, Ramanathapuram District.
- 8.The Inspector of Police,
Ervadi Police Station,
Ramanathapuram District.

+1 CC to M/s.R.ALAGUMANI, Advocate, SR No. 50942

+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No. 50921

RR

PSM/SV-MMS/20.04.2017/3P/11C

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