



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.[MD].No.19835 of 2017

M.Kulanthai Velammal

... Petitioner

Vs.

1. The Superintendent of Police,
Madurai District,
Madurai.

2. The Inspector of Police,
Peraiyur Police Station,
Madurai District.

3. The Inspector of Police,
Mettupalayam Police Station,
Mettupalayam,
Coimbatore District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to initiate appropriate action to conduct DNA test relating to the dead body recovered from the Bavani river on 24.02.2015 and send report to the Commandant, 13th BN Tripura State Rifles (IR-IX), Kanchanpur, North Tripura within a stipulated time as fixed by this Honourable Court.

For Petitioner : Mr.C.Arul Vadivel @ Sekar

For Respondents: Mr.B.Bhagawathi
Government Advocate

ORDER

This Writ Petition has been filed seeking for a direction to the respondent police to initiate appropriate action to conduct DNA test which is related to the dead body recovered from Bavani river on 24.02.2015 and send a report to the Commandant, 13th BN Tripura State Rifles (IR-IX), Kanchanpur, North Tripura.



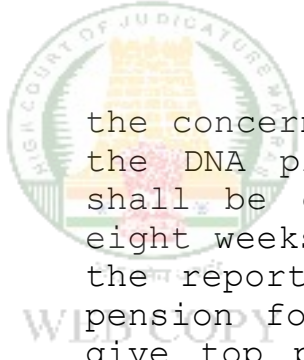
was found missing on 15.02.2015 and therefore the petitioner lodged a complaint before the second respondent and on the basis of the same, First Information Report was registered in Crime No. 26 of 2015 as 'Man Missing' case. In the meantime a body was found in Bavani river on 24.02.2015 and therefore case came to be registered in Crime No. 82 of 2015 under Section 174 of Cr.P.C on the file of the third respondent police. Photograph of the body was sent to all the police stations and the petitioner has seen the photograph and was able to find similarities in the dead body to that of her husband and therefore went over to Mettupalayam police Station and identified the photographs of the deceased person to be her husband. However the same can be established only by collecting DNA profile from the dead body found by the police. The petitioner in order to obtain family pension and other benefits had given representation to the Superintendent of Police, Coimbatore, requesting him to take necessary steps to issue death certificate for her husband. The employer of the petitioner's husband, namely the Commandant, 13th BN Tripura State Rifles (IR-IX), Kanchanpur, North Tripura informed the petitioner that scientific evidence like DNA test have to be conducted and it must be established that the dead body found is that of the husband of the petitioner. Thereafter repeated representations have been made by both the petitioner as well as the commandant and no action has been taken by the police to send the samples taken from the dead body for DNA test. Therefore the present writ petition has been filed seeking for appropriate relief.

3. The learned Government Advocate has today submitted a letter given by the Inspector of Police, Peraiyur Police Station who is the second respondent in this writ petition. In the said letter he has informed the Inspector of Police, Mettupalayam Police Station to immediately send the samples taken from the dead body for DNA test and to obtain the report with regard to the same.

4. It is seen from the materials placed before the court that the case has been pending right from the year 2016 when the body of the petitioner's husband was identified in Mettupalayam. Even though samples were collected from the dead body, there was not action taken on the part of the third respondent to get the report. Unless and otherwise there is scientific test to show that the dead body that was found at Mettupalayam is that of the husband of the petitioner, the petitioner will not get family pension. The employer of the petitioner's husband namely the Commandant, 13th BN Tripura State Rifles (IR-IX), Kanchanpur, North Tripura is also insisting for the scientific evidence in order to establish that the dead body found is that of the husband of the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

5. In the facts and circumstances of the case, there shall be a direction to the third respondent to immediately follow up with



the concerned laboratory in order to get the report after testing the DNA profile sample taken from the dead body. This process shall be completed by the third respondent within a period of eight weeks from the date of receipt of copy of this order. Since the report is very essential for the purpose of getting family pension for the petitioner, the third respondent is directed to give top priority to this issue and get the report within the time stipulated by this Court.

6. The writ petition is disposed of with the above directions.
No Costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS-IV)

1. The Superintendent of Police,
Madurai District,
Madurai.
2. The Inspector of Police,
Peraiyur Police Station,
Madurai District.
3. The Inspector of Police,
Mettupalayam Police Station,
Mettupalayam,
Coimbatore District.

+ 1 CC TO MR.C.ARUL VADIVEL @ SEKAR, ADVOCATE IN SR NO.87819
+ 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR NO.87928

AAV

BU/RSK/SAR-IV :23.10.2018 : 3P/6C

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