

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2019

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.37871 of 2007

S.Palanisamy

.. Petitioner

-vs-

1.The Secretary,
Public Department,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.

2.Superintendent of Police,
Cuddalore,
Cuddalore District.

3.The Sub Inspector of Police,
Nellikuppam Police Station,
Cuddalore District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to pay an amount of Rs.15 lakhs as compensation to the petitioner in respect of petitioner's son's death.

For Petitioner : Ms.D.Helen Margaret Deepa
for Mr.T.Sivagnana Sambandan

For respondents : Mr.K.Ravikumar,
Additional Government Pleader

ORDER

The petitioner has come to this Court seeking a direction to the respondents to pay him an amount of Rs.15 lakhs as compensation in respect of his son's death.

2.Learned counsel appearing for the petitioner would submit that the petitioner has got three sons and one daughter namely, 1.Dhandapani, 2.Ramakrishnan (physically handicapped), 3.Karthikeyan (deceased) and 4.Thilagavathy, aged 25, 22, 20 years at the time of death, respectively. However, the deceased

son Karthikeyan, who was a Mechanic, studied upto 10th standard. According to the learned counsel appearing for the petitioner, one Gnanasekaran filed a complaint before the second respondent alleging that on 22.01.2007 at 03.00 p.m., one Gurumoorthy, Jothi and the petitioner's son Karthikeyan committed eve-teasing on his daughter Sangeetha, aged about 15 years, living at Madaveli, near Naduveerapattu. According to the learned counsel appearing for the petitioner, around 05.30 p.m., the Sub Inspector of Police and Head Constable came to the residence of the petitioner and beaten the said Karthikeyan in the presence of one Manikandan and Elango and dragged the petitioner's son from the street to the police station like a criminal in front of general public.

3.Learned counsel appearing for the petitioner would further submit that the petitioner's wife Parvathi went to the police station and prayed for the release of the said Karthikeyan. According to the learned counsel appearing for the petitioner, in the lock-up he was severely beaten and indiscriminately scolded by the above two police officials and he was directed to come to the police station as and when required. According to the learned counsel appearing for the petitioner, due to mental wreck and physical suffering because of pain and injury, the petitioner's son committed suicide at about 06.00 a.m. on the next day.

4.According to the learned counsel appearing for the petitioner, the deceased committed suicide because of disrespect, assault, defamation, pain, mental agony, torture and unmanliness committed by the said police officials. However, the third respondent registered a case in Crime No.59 of 2007 under Section 174 Cr.P.C. and the deceased died on 23.01.2007. Despite the petitioner along with his wife and family members went to the police station and explained the committal of suicide because of the defamation and ill treatment by the police officials, the police did not hear them. In this regard, the petitioner sent a representation to the Home Secretary, Government of Tamil Nadu on 13.03.2007, the first respondent herein by registered post, but there is no reply from him. Thereafter, the petitioner sent a detailed representation dated 13.07.2007 to the District Superintendent of Police, Cuddalore District, the second respondent herein to take action against the police officials, who induced and abutted the suicide. Finding no response, the petitioner has come to this Court seeking the above prayer.

5.Reiterating the averments made in the counter affidavits filed by respondents 2 and 3, learned Additional Government Pleader appearing for the respondents would submit that one Gnanasekaran, who is the father of the victim girl Sangeetha,

has given a complaint on 22.01.2007 alleging that the two accused persons, including the deceased have indulged in eve teasing of his daughter, which resulted in the complaint and the same was taken for enquiry in CSR No. 06/2007. Thereafter, it was found that the real accused was one Gurunathan and therefore, the Sub Inspector of Police sent back the deceased with his relative namely, Rajan. According to the petitioner, his son was dragged by the police officials in their street and after beating and keeping under detention for some time, sent him with his relative one Rajan. In this regard, CrI.O.P. No.37111 of 2007 was filed before this Court and this Court, directed the Inspector of Police, Panruti Police Station to conduct investigation and to file a final report in accordance with law. However, the investigation took place in Crime No.59 of 2009 under Section 174 of Cr.P.C., was duly taken up by the concerned Inspector of Police and during the course of investigation, the Inspector of Police, has examined the vital witnesses in connection with the suicide committed by the deceased Karthikeyan, such as, the petitioner and his relatives namely, Rathinam, Kannan and Rajan. After investigation, it was found that the deceased was not at all beaten and dragged as claimed by the petitioner.

6.Learned Additional Government Pleader appearing for the respondents would submit that since the complaint, narrated by the father of the victim girl, indicated the name of the deceased as one of the offenders, it was necessary on the part of the respondents to enquire him in the police station. Moreover, some incriminating articles said to have found at the suicide site, purely indicated that the same was a clear case of suicide only and there was no police harassment. Since it was a case of suspicious death registered under the provisions of Section 174 Cr.P.C., the Revenue Divisional Officer, Cuddalore has taken up the enquiry and conducted the inquest on the dead body and recorded the statements of his relatives and other panchayat members and arrived at a conclusion that there was no external injury caused for his suicide. As ordered by the District Collector, Cuddalore to conduct another enquiry under Section 151 of Police Stating Order, the said Revenue Divisional Officer, Cuddalore has conducted another full fledged enquiry by examining some witnesses and concluded that the suicide of the deceased was not due to harassment or torture by the respondents police. In compliance of the direction made by this Court, the Inspector of Police, Panruti Police Station has completed his investigation within the time and concluded that the deceased boy committed suicide on his own volition and will by consuming insecticide poison Chlorphriphol and Chypermenthin, which was detected during the chemical analysis of his viscera.

7. In this regard, learned Additional Government Pleader appearing for the respondents would submit that the allegation made by the petitioner that the deceased committed suicide due to the harassment of the respondents police is without any substance as there was absolutely no cause or legal proof for any disrespect, assault, defamation, pain, mental agony and torture on the part of the respondents police so as to drive the deceased to commit suicide.

8. It is seen that the Revenue Divisional Officer, Cuddalore, after conducting preliminary enquiry to ascertain as to whether it is the case of suspicious death registered under Section 174 of Cr.P.C., conducting inquest on the dead body of the deceased and recording the statements of the relatives and other panchayathars, came to the conclusion that there was no external cause for his un-natural death of committing suicide. When the report of the Revenue Divisional Officer, Cuddalore shows that there was no external cause for his un-natural death of committing suicide and the final report submitted by the Inspector of Police, Panruti dated 10.05.2008 also shows that there is no nexus between the deceased and the police officials to enable the deceased to commit suicide, this Court is unable to find any merit in the writ petition. Accordingly, the writ petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar (CS-VI)

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To

Sub Assistant Registrar

1. The Secretary,
Public Department,
Government of Tamil Nadu,
Fort St. George, Chennai-600 009.

2. Superintendent of Police,
Cuddalore, Cuddalore District.

3. The Sub Inspector of Police,
Nellikuppam Police Station,
Cuddalore District.

+1 cc to the Government Pleader, S.R.No.43145

W.P.No.37871 of 2007

NRL (CO)
SSM(20/06/2019)