



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.15661 of 2017

Suseela

... Petitioner

Vs.

1.The Director General of Police,
Law and Order,
Chennai.

2.The Superintendent of Police,
Tirunelveli.

3.The Inspector of Police,
Vallioor Police Station,
Vallioor.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to initiate appropriate steps to find out the real cause of death of the petitioner's husband Boothalingam Pillai @ Murugan, on the basis of the petitioner's representation dated 01.12.2011 within a specified period.

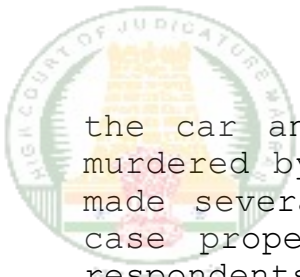
For Petitioner : Mr.K.P.Narayana Kumar

For Respondents : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking a direction to the first respondent to initiate appropriate step to find out the real cause of death of the petitioner's husband Boothalingam Pillai @ Murugan, on the basis of the petitioner's representation dated 01.12.2011 within a specified period.

2. The grievance of the petitioner is that while the petitioner's husband doing real estate business, on 20.03.2011, the petitioner was informed by Narayanan that her husband met with an accident and he was hospitalised at Nagercoil. Subsequently, she was informed that the petitioner's husband died on 22.03.2011 and without the petitioner's consent, the body was burnt. Subsequently, based on the complaint given by Nagarajan, a crime has been registered in Crime No.282 of 2011 for the offences under Sections 279 and 338 of I.P.C., against one Ganesan, who was the driver of



the car and the petitioner reliably suspect that her husband was murdered by six persons. In the above circumstances, the petitioner made several representations to the authorities to investigate the case properly and since no representation was considered by the respondents, the present writ petition has been filed.

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3. Today, the learned Additional Public Prosecutor on instructions would submit that based on the complaint given by one Nagarajan, originally a crime has been registered for the offences under Sections 279 and 338 of I.P.C., and after the death of the deceased, Section has been altered into and final report has been filed before the learned Judicial Magistrate, Valliyoor on 09.09.2011, for the offences under Sections 304(A) and 279 (A) I.P.C., and the learned Judicial Magistrate also taken cognizance of the offence in C.C.No.240 of 2012 and the matter is pending trial before the learned Judicial Magistrate, Valliyoor.

4. Considering the fact that already final report has been filed before the learned Judicial Magistrate, Valliyoor as early as in the year 2011 and the matter is also pending trial, the relief sought for by the petitioner cannot be granted at this stage and hence the writ petition is dismissed. However, if at all the petitioner has any grievance, it is always open to her to approach the concerned Court to file necessary application, in the manner known to law. No costs.

Sd/-

Assistant Registrar (Crl.side)

/ True Copy /

Sub Assistant Registrar(CS-)

To

1.The Director General of Police,
Law and Order, Chennai.

2.The Superintendent of Police, Tirunelveli.

3.The Inspector of Police,
Vallioor Police Station, Vallioor.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate
(SR-71885[F] dated 27/06/2019)

W.P. (MD) No.15661 of 2017
25.06.2019