



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.4255 of 2020

Abilash

... Petitioner/Deceased Son

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
E2-Madhichayam Police Station,
Madurai.

3.The Inspector of Police,
Tavarekere Police Station,
Magadi Road, Tavarekere,
Karnataka - 562 130.

4.The Dean,
Government Rajaji Medical Hospital &
Government Medical College,
Madurai.

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to direct the respondents 1 and 2 to take necessary action and to give requisition to the fourth respondent to conduct post-mortem and hand over the corpus to the petitioner within the time frame that may be fixed by this Court.

For Petitioner	:	Mr.Niranjan S.Kumar
For R1 and R2	:	Mr.A.Robinson, Government Advocate (crl.side)

ORDER

Heard the learned counsel appearing for the petitioner, the learned Government Counsel appearing for the respondents 1 and 2 and the learned counsel appearing for the fourth respondent.

2.In view of the nature of relief to be granted, notice to the respondents is dispensed with.

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



3.The petitioner's father was doing his business at Bangalore. It is stated that on 23.02.2020 at about 06.00 P.M, he met with an accident when he was riding his two wheeler. He was admitted in National Institute of Mental Health and Neuro Sciences, Bangalore - 29. The petitioner's father got himself discharged against medical advice. He was thereafter admitted in a private hospital known as DIGVIJAY Hospital located at Jeya Nagar, Bangalore. He got discharged from the DIGVIJAY Hospital on 29.02.2020 and thereafter he was admitted in Rajaji Government Hospital and Medical College, Madurai on 29.02.2020. He was in a comatose condition. He passed away on 04.03.2020 at 05.00 P.M. The petitioner's father's body is kept in the mortuary. Postmortem is not being performed. This is for the reason that the second respondent declined to give requisition because the accident did not take place within their jurisdiction. When the third respondent was approached, the third respondent stated that the petitioner's family did not lodge any complaint immediately after the accident took place and in any event, death has not taken place within their jurisdictional limits. The body of the petitioner's father is still in mortuary. The petitioner and other members of his family are anxious to perform the final rites.

4.I can understand the agony and pain of the petitioner's family. This is not a matter in which one can adopt a technical approach. It appears to be a case of accident death. In any event, the petitioner's counsel on instructions states that no claim will be made against the second and third respondents in future. Taking note of the stand of the petitioner as well as that of the respondents, I direct the fourth respondent to arrange conducting or postmortem for the body of the petitioner's father immediately. The petitioner's father's body will be handed over to the petitioner by today itself.

5.The criminal original petition stands allowed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Skm



To

1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
E2-Madhichayam Police Station, Madurai.

3.The Inspector of Police, Tavarekere Police Station, Magadi
Road, Tavarekere, Karnataka - 562 130.

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

5.The Dean, Government Rajaji Medical Hospital &
Government Medical College, Madurai.

+1 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-10139[F] dated
05/03/2020)

Cr1 OP(MD)No.4255 of 2020
05.03.2020

NS (CO)
TR(05.03.2020) 3P 7C