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W.P.(MD)No.5151 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 21/12/2020

PRESENT

The Hon'ble Mr. Justice **G.K. ILANTHIRAIYAN**

W.P. (MD)No.5151 of 2015

and

M.P. (MD).Nos.1 and 2 of 2015

M.Mookammal

: Petitioner

Vs.

1.The Home Secretary,
The Secretary of Tamil Nadu,
Fort St. George,
Chennai.

2.The Director General of Police,
Beach Road,
Chennai.

3.The District Collector,
Madurai District.

4.The Commissioner of Police,
Madurai City,
Madurai.

5.The Deputy Superintendent of Police,
CBCID Wing,
Madurai.

6.The Inspector of Police,
Keerathurai Police Station,
Madurai.

(In Crime No.291 of 2015)

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to transfer the investigation in Crime No.291 of 2015 from the file of the sixth respondent to the file of the fifth respondent consequently direct the first and second respondents to pay compensation to the petitioner a sum of Rs.15,00,000/- either from the fund of the State Government or from the personal fund of the erred Police



For Petitioner : Mr.C.M.Arumugam

For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)

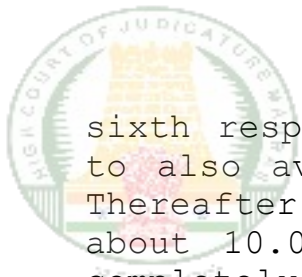
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O R D E R

This writ petition has been filed seeking direction to the first respondent to transfer the investigation in Crime No.291 of 2015 from the file of the sixth respondent to the file of the fifth respondent and to direct the first and second respondents to pay compensation of a sum of Rs.15 lakhs to the petitioner either from the fund of the State Government or from the personal fund of the errred Police personnel's.

2.The learned counsel appearing for the petitioner submitted that the petitioner's husband was assaulted by the sixth respondent and thereby abetted him to commit suicide. He further submitted that the petitioner's husband has not committed any offence and he was not convicted any case. While being so, on 19.03.2015 her husband was taken to the sixth respondent police station by trespassing into her house. When the petitioner enquired with one of the police personnels about her husband presence, he informed that the enquiry is going on. Thereafter, the petitioner has returned to her house, after leaving her younger brother. On 20.03.2015 her husband returned to home. On enquiry, it revealed that he was manhandled by the sixth respondent and his personnels and he was inflicted contusions injuries on his body. Further he got ashamed about the police humiliation and atrocities in the presence of the general public as such he has committed suicide by hanging himself in his house. Immediately, she lodged a compliant to take appropriate action as against the police personnels and the same was registered in Crime No.291 of 2015 under Section 174 Cr.P.C. Till now, there is no action against the police personnel. Hence, he filed the present writ petition.

3.The learned Government Advocate (Crl. Side) appearing for the respondents has filed a counter of the sixth respondent stating that the husband of the petitioner had involved several cases and he had very bad antecedents. In fact, he was convicted and sentence him to under go rigorous imprisonment for 9 months in Crime No.62 of 2001 on the file of the B4 Police Station, Madurai District. He was also detained under Goondas Act in the year 2005. On 19.03.2015, one of the police personnel of the sixth respondent, has received information that the petitioner's husband was in drunken stage and abused the Scheduled Caste people by using filthy language. Thereafter, the sixth respondent had



sixth respondent Police Station to avoid further complication and to also avoid communal tension in the locality for the enquiry. Thereafter, the petitioner's husband left from police Station at about 10.00 p.m. In fact, the sixth respondent Police Station completely under surveillance of CCTV camera and all the above incidents were recorded in the CCTV footage. Therefore, the petitioner's husband left the sixth respondent Police Station at about 10.00 p.m and there is no harassment made by the sixth respondent. It is further stated that the deceased committed suicide by hanging himself his house, due to family dispute between the family members. After recording the statements from various witnesses, the sixth respondent has closed the FIR in Crime No.291 of 2015 as "Action Dropped". The learned Government Advocate (Crl. Side) has also produced the Postmortem certificate and the same is extracted hereunder:

The following ante mortem injuries are noted on the body:

1.Abrasion measuring 0.5*0.5 cm noted on right side of nose.

2.Transversely oblique incomplete ligature mark 33cm * 3 cm noted on front sides and back of neck, leaving a gap of 11 cm noted on back of right side of neck.

The anatomical location of ligature mark:

- 4 cm from right side mastoid.
- 6 cm from left side mastoid.
- 6 cm from centre of the chin.

On dissection of ligature mark:

The base of the ligature mark is pale, hard, glistening white and parchment like. The underlying neck structures like, thyroid, cricoid cartilages, tracheal rings and hyoid bone are normal. There is no extravasation of blood noted in the superficial and deeper planes of neck.

4.In view of the above postmortem certificate, there is no external injuries on the body of the deceased. Therefore, the contention of the petitioner is not corroborated with the postmortem report. Further, the sixth respondent has also completed the investigation and dropped further action in Crime No.291 of 2015. Hence, the transfer of investigation does not arise.



5. Accordingly, this writ petition stands dismissed as devoid of merits. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

vsg

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Home Secretary,
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3. The District Collector, Madurai District.
4. The Commissioner of Police,
Madurai City, Madurai.
5. The Deputy Superintendent of Police,
CBCID Wing, Madurai.
6. The Inspector of Police,
Keerathurai Police Station, Madurai.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

W.P. (MD) No. 5151 of 2015
and M.P. (MD) Nos. 1 and 2 of 2015
21.12.2020

KM(CO)

TR(10.02.2021) 4P 8C