

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2021

CORAM

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

Crl.O.P.No.18342 of 2020

1. N.Mallika  
2. P.Sathyamurthy ... Petitioners

Vs.

1. The District Collector,  
Mayiladuthurai.  
2. The Superintendent of Police,  
Mayiladuthurai.  
3. The Inspector of Police,  
Sembanarkoil Police Station,  
Sembanarkoil. ... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. directing the third respondent under the monitor of the revenue officials to exhume the body of the deceased Madhavan, the son of the first petitioner, and to conduct the postmortem to ascertain the cause of the death of him.

For Petitioner : Mr.J.Nagarajan  
For Respondents : Mr.M.Mohamed Riyaz,  
Additional Public Prosecutor

**ORDER**

This petition has been filed for a direction to the third respondent to exhume the body of the deceased, who is the son of the first petitioner and to conduct the post-mortem.

2. It is seen from records that the entire incident had taken place in Bangaluru, within the jurisdiction of the Nilamangala Police Station. The incident had happened during the month of September-2020 and it is stated that a complaint was also given by the petitioner before the local police at Bangaluru during the month of October-2020. The petitioner suspects that the deceased had died under suspicious circumstances.

3. The learned Additional Public Prosecutor submitted that the respondent police, on receipt of the complaint from the petitioners have also informed the Nilamangala Police Station and till date, there is no response from the said Police Station. The learned Additional Public Prosecutor submitted that in any event, the respondent Police cannot exhume the body in a suspicious death which had happened in another State.

4. In the considered view of this Court, the entire incident had taken place beyond the territorial jurisdiction of this Court. The petitioners, if at all, are aggrieved by the death of the son of the first petitioner, they must only work out their remedy before the concerned Court at Bangaluru. Except giving this liberty, no further orders can be passed in this petition.

5. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS.VIII)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,  
Mayiladuthurai.

2. The Superintendent of Police,  
Mayiladuthurai.

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

4. The Public Prosecutor  
High Court of Madras  
Chennai - 600 104.

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