



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.05.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

WP(MD)No.9339 of 2021

(Through Video Conferencing)

WEB COPY

Ramani

Petitioner

Vs

1.The District Collector, Kanyakumari District
Nagercoil

2.The Superintendent of Police, Kanyakumari District
Nagercoil

3.The Inspector of Police, Kollemcode Police Station
Kanyakumari District

Respondents

Prayer:- This Writ Petition has been filed, under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to do re-post-mortem on the body of the Petitioner's husband, by name George Ponnaiyan, based on the suspicious report issued by the forensic agency in Saudi Arabia, by taking necessary action on the basis of the representations, dated 22.04.2021 and 01.05.2021.

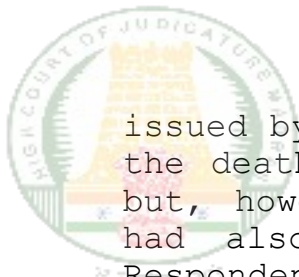
For Petitioner : Mr.Ananda Raja

For Respondent : Mr.R.Srinivasan, GA

ORDER

1.The prayer in this Writ Petition is to issue a Writ of Mandamus, directing the Respondents to do re-post-mortem on the body of the Petitioner's husband, by name George Ponnaiyan, based on the suspicious report issued by the Forensic Agency in Saudi Arabia, by taking necessary action, on the basis of the representations, dated 22.04.2021 and 01.05.2021.

2.The case of the Petitioner is that the husband of the Petitioner, namely, George Ponnaiyan, went for his job to Alwahid International to K.S.A, Al, Muzruiyuh Al Hofuf Al Hasa Dammam, K.S.A, by one sponsor, namely, Amina Abdullahbin Habib Alhayak under the supervising of one Christopher Raj at Saudi Arabia on 28.10.2019. On 20.10.2020, one Suresh, co-worker through phone call, had informed her that her husband died in a suspicious manner and stated that her husband died due to assault by the said Christopher Raj, in a quarrel ensued between them regarding salary. The Petitioner had made a representation, dated 30.10.2020, to the Ministry of External Affairs, New Delhi and in the mean while, she received a copy of the post mortem reported



issued by the Forensic Medicine Specialist in Dammam, opining that the death was due to contusion in the neck and its consequences, but, however, no criminal action was initiated. The Petitioner had also made a representation dated 22.04.2021 to the 1st Respondent seeking re-post-mortem on the body of the deceased. The body of the deceased is now kept under the custody of the Thiruvananthapuram Airport Authorities and again, the Petitioner had made a representation dated 01.05.2021, to the 3rd Respondent to do re-post-mortem and take appropriate action. Since there is no action taken by the Respondents so far, this Writ Petition has been filed.

3. The learned counsel for the Petitioner has submitted that though her husband died in a suspicious manner, according to the information given by the co-worker and the postmortem report issued by the said Foreign Agency, no action whatsoever was initiated in this regard and that in order to bring out the truth about the death of the deceased, re-post-mortem autopsy is necessary and accordingly, suitable directions may be issued to the Respondents. The learned counsel would further submit that that Petitioner may also be permitted to make a complainant to the 3rd Respondent Police and on such complaint being made, the 3rd Respondent may be directed to register the same.
4. The learned counsel for the Respondent has submitted that if this Court passes an order, the Respondents are ready to obey the order and also made an endorsement to that effect.
5. This court heard the learned counsel on either side and considered their submissions and also carefully perused the materials placed on record.
6. The prayer of the Petitioner is to conduct re- post-mortem on the body of the deceased husband. According to the petitioner, the co-worker had informed her through phone that her husband died due to attack by his Supervisor, Christopher Raj, in a quarrel ensued between them regarding salary. A copy of the post-mortem report issued by the Ministry of Health, Kingdom of Saudi Arabia, is enclosed herewith. No action is taken by the Ministry of External Affairs on the representation of the Petitioner and Respondents also did not consider her representations.
7. In the absence of a thorough post-mortem and finding out the cause of the death or otherwise, the truth will be hidden. If the truth comes in favour of the Petitioner, the real culprit cannot escape from the clutches of law.
8. Considering the above circumstances, in the interest of justice and to bring out the truth either way, I am inclined to pass the following directions:-
 - a) The petitioner is permitted to make a complaint before the



3rd Respondent Police, immediately on receipt of a copy of this order. On receipt of such complaint from the Petitioner, the 3rd Respondent shall register a case under Section 174 of Cr.PC immediately.

b) Immediately after registration of the complainant of the Petitioner by the 3rd Respondent Police, the 1st Respondent is directed to take necessary steps to bring back the body of the deceased from the Thiruvananthapuram Airport Authority, under whose custody, the body of the deceased is kept, to the Government Hospital, Kanyakumari, for conducting re-post-mortem autopsy.

c) Re-post-mortem autopsy should be done by a Senior Medical Officer, along with a team of Experienced Doctors. The entire re-post-mortem autopsy should be video-graphed and kept in a CD.

d) CD and re-post-mortem autopsy report shall be handed over to the concerned Investigating Officer. On scrutinise of the CD and re-post-mortem autopsy report, if any prima facie case is made out, the Respondent Police shall proceed in accordance with law.

e) The body of the deceased shall be handed over to the Petitioner, after conducting re-post-mortem autopsy.

9. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Vacation Officer ()

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/ /2021

Sub Assistant Registrar(CS)

To

1. The District Collector, Kanyakumari District, Nagercoil

2. The Superintendent of Police, Kanyakumari District, Nagercoil

3. The Inspector of Police, Kollemcode Police Station, Kanyakumari District

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KB(13.05.2021) 3P 4C