



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVA**
Crl.O.P. (MD) No.11159 of 2021

WEB COPY

Sivagami

... Petitioner

Vs.

1.The Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondent police to take appropriate steps to do postmortem of the body of the petitioner's husband, namely, late.Muthusamy, after exhuming the dead body buried at community burial ground, near Cotton Mill, Rajapalayam, within a stipulated period.

For Petitioner	: Mr.K.P.Narayanakumar
For Respondents	: Mr.K.Sanjai Gandhi Government Advocate (Crl.Side)

ORDER

This petition is filed seeking a direction to the respondents to take appropriate steps to do postmortem upon the body of the petitioner's husband, namely, late.Muthusamy, after exhuming the body buried at community burial ground, near Cotton Mill, Rajapalayam.

2.The case of the petitioner is that she is the wife of the deceased. Based upon her complaint, a case in Crime No.119 of 2021 has been registered by the 2nd respondent for the accident took place on 18.12.2020. Belatedly, the complaint has been registered. Only after the order was passed by the learned Judicial Magistrate, Rajapalayam in Crl.M.P.No.1788 of 2021, the case was registered against one Mariyappan for the offences punishable under Sections 279, 338 and 304(A) of IPC.

3.Since the husband of the petitioner sustained grievous injury, he was taken to the private hospital, namely, Sri Aandal

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



Hospital, Rajapalayam for advanced treatment. But he died on 22.12.2020, because of the accidental injuries. He was buried at Community Burial Ground, near Cotton Mill, Rajapalayam. On that ground, the petitioner approached the 2nd respondent herein for giving a complaint. There was an oral statement and after recording the same, she was sent out. Only later, she came to know that the case has been registered. On that basis, she approached the concerned Magistrate seeking a direction as stated above.

4.The learned Government Advocate (CrI.side) appearing for the respondents would submit that the investigation has been completed and during the course of investigation, 14 witnesses have been examined and it was found that the deceased himself has caused the accident and so, Action Drop Report was filed before the learned Judicial Magistrate, Rajapalayam. RCS notice was also sent to the petitioner and the same has also been received by her.

5.The grievance of the petitioner is that the investigation has not been properly undertaken. Even though the husband of the petitioner sustained grievous injury in the rash and negligent driving committed by the aforesaid Mariyappan, the statement of the Investigation Officer that it is a self accident is highly doubtful. On that ground, she wanted to do postmortem upon the body of the deceased.

6.Since Action Drop Report has been filed before the concerned Court and the RCS notice has also been circulated to the petitioner, the petitioner has to workout her remedy before the appropriate forum through appropriate proceedings. So, the relief sought for by the petitioner in this petition cannot be entertained by this Court at this stage. Such request can also very well be made before the concerned Court.

7.With the aforesaid liberty, this petition is disposed of.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Superintendent of Police,
Virudhunagar District.
- 2.The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-28147[F] dated
03/09/2021)

Crl.O.P. (MD)No.11159 of 2021
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MGJ(09.09.2021) 3P 5C