



W.P(MD)No.13669 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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**RESERVED ON : 25.08.2022**

**DELIVERED ON : 06.09.2022**

CORAM:

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.13669 of 2013

and

M.P(MD)Nos.1 & 2 of 2013

K.Chittu

... Petitioner

Vs.

- 1.The State of Tamil Nadu,  
Represented by the Home Secretary,  
Secretariat,  
Chennai-1.
- 2.The Director General of Police,  
Office of the Director General of Police,  
Beach Road,  
Chennai-1.
- 3.The District Collector / District Magistrate,  
Collectorate,  
Ramanathapuram District,  
Ramanathapuram.
- 4.The Superintendent of Police,  
Office of the Superintendent of Police,  
Ramanathapuram District.



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5.The Superintendent of Police,  
CBCID, B.B.Kulam, Narimedu,  
Madurai District.

6.The Inspector of Police,  
Sayalkudi Police Station,  
Sayalkudi Taluk,  
Ramanathapuram District.

7.Mr.Somasekar,  
Deputy Superintendent of Police,  
Sayalkudi Taluk,  
Ramanathapuram District.

8.Mr.T.A.J.Lawmac,  
The Inspector of Police,  
Sayalkudi Police Station,  
Sayalkudi Taluk,  
Ramanathapuram District.

9.Mr.M.Shanmugavel,  
The Sub-Inspector of Police,  
Sayalkudi Police Station,  
Sayalkudi Taluk,  
Ramanathapuram District.

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to direct the fifth respondent to investigate the murder of Murugavalli, W/o,Sundaramoorthy and arrest the accused including the abettors respondents 7 to 9 in Crime No.48 of 2012 on the file of the sixth respondent and file the final report within the time stipulated by this Court and consequently directing the first respondent to provide adequate



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compensation to the dependents of the victim Murugavalli.

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For Petitioner : Mr.T.Lajapathi Roy  
For R-1 to R-6 & R-9 : Mr.P.Thambidurai  
Government Advocate  
For R-7 & R-8 : No appearance

### **ORDER**

The present Writ Petition has been filed for a Writ of Mandamus, directing the second respondent to direct the fifth respondent to investigate the murder of one Murugavalli and arrest the accused including the abettors, namely, respondents 7 to 9 in Crime No.48 of 2013 on the file of sixth respondent and file a final report within the time stipulated by this Court and consequently, directing the first respondent to provide adequate compensation to the dependents of the victim Murugavalli.

2. The petitioner has contended that she belongs to Scheduled Caste community and the deceased Murugavalli was her younger sister. At the time of occurrence, the said Murugavalli was staying in the petitioner's mother's house. While she was staying in the said house due to communal hatred, some persons belonging to dominant caste had entered into the



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house with criminal intention and abused the said Murugavalli. Those rowdy elements had mercilessly beaten and abused her with a filthy language based on caste. Realizing the said dangerous position, the petitioner had attempted to rescue her sister and the petitioner also sustained injuries in the said act. The petitioner has further contended that one Selvi had attacked the said Murugavalli on her head with a stone repeatedly and another accused had brutally kicked the said Murugavalli on her private parts.

3. The petitioner's sister had sustained serious injuries mainly on the head and she was taken to Ramanathapuram Government Hospital for treatment and she was admitted in the emergency ward. Based upon the complaint, an FIR was lodged in Crime No.48 of 2013 on 22.02.2013. The petitioner's sister was treated for five days and thereafter, she was forcibly discharged by the Hospital authorities.

4. The petitioner has further submitted that due to critical condition, the said Murugavalli was shifted to Thoothukudi Government Hospital. On 19.03.2013, his sister's condition got worsened and she started bleeding in



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her nose and she was admitted to Thoothukudi Government Hospital. After recovery, she reached home on 02.04.2013, but she was bed ridden. But her condition deteriorated and she succumbed to injuries and died on 12.04.2013.

5. The petitioner has further contended that postmortem certificate and the report will clearly indicate that her sister Murugavalli had died only due to the physical attack based upon the caste. The petitioner has given a representation to the first respondent herein making allegations as against the police officials and the private respondents and she has also sought for initiating appropriate criminal action. Since no proper action was not initiated, the present writ petition has been filed.

6. The learned Counsel for the petitioner had contended that only due to the brutal attack made by the said rowdy elements due to caste enmity, the petitioner's sister had passed away. The official respondents have not initiated any proper criminal action and hence, the present writ petition has been filed for initiating proper criminal action and for payment of compensation.



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7. The third respondent has filed a counter, disputing the averments.

The third respondent has further contended that only when the said Murugavalli was admitted to the Thoothukudi Government Hospital, it was found that the deceased Murugavalli was suffering from Human Immuno Deficiency (HIV) Virus and she was found to be anemic and hence, two units of packed cells was transferred to her.

8. A perusal of the counter further reveals that as per the postmortem report, the said Murugavalli had died only due to "Cardiopulmonary Arrest" and not due to any of the injuries sustained by her in the incident, dated 22.02.2013. Hence, he prayed for dismissal of the writ petition.

9. I have carefully considered the submissions made on either side.

10. There is no dispute that the petitioner's sister had sustained injuries in an incident on 22.02.2013. The accident register of the hospital indicates that the said Murugavalli had sustained minor injuries. The said Murugavalli herself had gone to the police station and lodged a complaint at



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about 06.00 PM on the said date. Even, the statement in the First Information Report clearly indicates that she had sustained some injuries only in lips, right hand and back side. There is no allegation of any injury in the head. Murugavalli was admitted to the hospital on 22.02.2013 and was discharged on 27.02.2013. The said Murugavalli got admitted again on 19.03.2013 for the injuries sustained by her because of the fall in her bathroom. A perusal of the Accident Register indicates that she had abrasion in the lower lip and bleeding through nose. Thereafter, she was discharged on 02.04.2013. A report of Thoothukudi Medical College Hospital indicates that she had been infected with HIV Virus. A perusal of the postmortem Report indicates that she had died due to "Cardiopulmonary Arrest". The above said medical evidence will clearly indicate that the petitioner has not died due to the injuries sustained by her but died due to other reasons.

11. The persons involved in the attack of the said Murugavalli were tried in Special SC.No.107 of 2014 on the file of the Principal District Sessions Court, Ramanathapuram. The present writ petitioner (the elder sister of deceased Murugavalli) had appeared P.W.1 in the said case. A perusal of the judgment, dated 15.11.2017, indicates that the present writ



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petitioner has turned hostile and she has specifically stated that she was not aware of any trespass into the house or about the injuries sustained by her sister. The other witnesses in the said criminal proceedings have also turned hostile and the accused persons have been acquitted.

12. The first part of the prayer in the present writ petition is for initiating appropriate criminal action as against the culprits involved in the incident, dated 22.02.2013, based upon the FIR in Crime No.48 of 2013. The said FIR has culminated in Special SC.No.107 of 2014 and after trial all the accused persons have been acquitted. Hence, the said prayer cannot be considered at this stage. As far as the second half of the prayer is concerned, the petitioner has prayed for compensation due to the death of her sister in an attack due to caste animosity. As narrated supra, the petitioner's sister had sustained minor injuries and she herself had lodged the FIR. After being admitted to the hospital for five days, she was discharged. One month, thereafter, she was admitted to the hospital on some other complaint where she was found to be infected with HIV Virus. The postmortem report clearly reveals that she died due to "Cardiopulmonary Arrest".



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13. In view of the above said facts, I do not find the second part of the prayer relating to compensation can also be considered by this Court. There are no merits in the writ petition. The writ petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

**06.09.2022**

Index : Yes / No  
Internet : Yes / No  
btr

To

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Chennai-1.
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Chennai-1.
3. The District Collector / District Magistrate,  
Collectorate,  
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Ramanathapuram.

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**R.VIJAYAKUMAR, J.**

btr

Order made in  
**W.P(MD)No.13669 of 2013**

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