

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.09.2022

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

**W.P.(MD)No.1652 of 2012
and M.P(MD).Nos.1 to 3 of 2012**

K.Balu

Vs.

... Petitioner

- 1.The State of Tamil Nadu,
Rep.by its Principal Secretary,
Home Department,
St.George Fort,
Chennai-600 009.
- 2.The Director General of Police,
Tamil Nadu Police Head Quarters,
Kamarajar Salai,
Chennai-600 004.
- 3.The Superintendent of Police,
Trichy,
Trichy District.
- 4.Srinivasan,
Assistant Commissioner of Police,
Trichy,
Trichy District.

5.Kamaraj,
The Inspector of Police,
Ariyamangalam Police Station,
Trichy.

6.Baluchamy,
Inspector of Police,
Airport Police Station,
Trichy.

7.The Sub-Inspector of Police,
Ariyamangalam Police Station,
Trichy.

8.Sivarajkumar
No.2829, Armed Reserve Police,
Batalion,
Thanjavur.

9.Sankar,
No.2859, Armed Reserve Police,
Batalion,
Thanjavur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 3 herein to take departmental enquiry and criminal action against the respondents 4 to 9 in accordance with law.

For Petitioner : Mr.M.Subash Babu
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor
for R1 to R3
No-appearance for R4 to R9

O R D E R

This Writ Petition was filed for a direction to the respondents 1 to 3 to take departmental action against the respondents 4 to 9 for the alleged custodial death of the son of the petitioner.

2. The case of the petitioner is that his son, namely, Vadivel @ Barathkumar was taken into custody by the fifth respondent and he was tortured. As a result of the same, he died, when he was in judicial custody. According to the petitioner, the death of his son took place only due to custodial violence and ill-treatment, while he was in custody of the fifth respondent. In view of the same, the present writ petition was filed in the year 2012 seeking for initiating departmental action against the concerned Police Officials.

3. Heard Mr.M.Subash Babu, learned counsel appearing for the petitioner and Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor for R1 to R3.

4. When the writ petition was taken up for final hearing today, it was brought to the notice of this Court that the son of the petitioner was remanded in Crime No.668 of 2011 which was registered on the file of Ariyamangalam Police Station. The learned Judicial Magistrate No.4, Tiruchirappalli, remanded and the accused person was sent to Borstal school. While in custody, he died on 18.05.2017.

5. Since the death happened while the detenu was in custody, an FIR came to be registered by Thanjavur Medical College Police Station in Crime No.450 of 2011. Subsequently, the investigation was transferred to the file of the CBCID in Crime No.1 of 2017 and it was investigated under Section 176(1) of Cr.P.C. On the completion of the investigation, the

CBCID came to a clear conclusion that the death did not take place due to custodial torture. Accordingly, a closure report was filed as mistake of fact before the learned Judicial Magistrate, Thiruvaiyaru, in R.C.S.No.2 of 2018.

6. In view of the above development, no further orders can be passed in this writ petition. Accordingly, the same is closed. No costs. Consequently, connected miscellaneous petitions are closed.

12.09.2022

Index : Yes / No
Speaking Order : Yes / No
ssb

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3.The Superintendent of Police,
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Trichy District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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N.ANAND VENKATESH, J.

ssb

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