



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.06.2022**

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P (MD) No.11063 of 2022

and

W.M.P (MD) No.7942 of 2022

M.Senthila

... Petitioner

Vs.

1.The Superintendent of Police,
District Police Office,
Sivagangai.

2.The District Collector,
Collectorate,
Sivagangai.

3.The Inspector of Police,
Manamadurai Police Station,
Manamadurai,
Sivagangai District.

4.Pandi

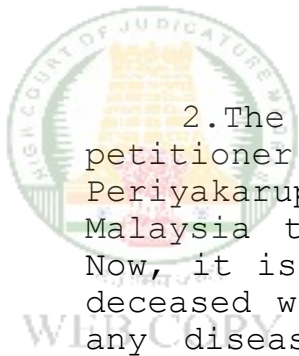
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's petition, dated 30.05.2022 and to register a criminal case under Section 174 of Criminal Procedure Code on the file of the Manamadurai Police Station.

For Petitioner : Mr.M.Gurudas
For Respondents : Mr.M.Sakthi Kumar
Government Advocate (crl.side)

O R D E R

The present Writ Petition has been filed to direct the first respondent to consider the petitioner's petition, dated 30.05.2022 and to register a criminal case under Section 174 of Criminal Procedure Code on the file of the Manamadurai Police Station.



2.The learned Counsel for the petitioner submitted that the petitioner is the wife of the deceased Mohanasundaram Periyakaruppan, who is having Indian Passport No.P8920344. He went Malaysia to car wash work under the fourth respondent Company. Now, it is reported that he was died on 26.05.2022 in Malaysia. The deceased was hale and healthy. Recently, he was not suffered with any disease. On 25.05.2022, he had conversed with his family members through video call. At the time of conversation, he informed that he wants to come back India, but the fourth respondent, the owner of the car wash company refused to allow him to come back India. There was a dispute between the deceased and the fourth respondent. In such circumstances, it was reported that he died. The medical report indicates that he died due to Intracranial Hamorrhage. The petitioner suspected that the fourth respondent may cause to the death of the deceased. The fourth respondent also an Indian citizen and he committed murder of another Indian citizen working under him. Hence, the Indian Court is subjected to take cognizance and the body has to be preserved for conducting postmortem to find out the injuries in the body and the reason for the death. In this regard, the petitioner gave a representation to the first respondent on 30.05.2022 seeking to preserve the body and take necessary steps for conducting postmortem. Since no action has been taken, the present writ petition.

3.The learned Government Advocate (criminal side) reported no instructions for want of police.

4.I have considered the submissions made on either side.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner suspected that her husband was murdered by the fourth respondent, it is needed to preserve the body of the deceased Mohanasundaram Periyakaruppan and postmortem has to be conducted. Therefore, this Court directs the first and second respondents to preserve the body of the deceased on arrival to India and to take necessary steps for conducting postmortem at Government Hospital, Sivagangai. The postmortem has to be video-graphed and after getting medical opinion, the respondent police shall take further legal action in this matter.

6.With this direction, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //



08/06/2022
Sub Assistant Registrar(CS)

To

- 1.The Superintendent of Police,
District Police Office,
Sivagangai.
- 2.The District Collector,
Collectorate,
Sivagangai.
- 3.The Inspector of Police,
Manamadurai Police Station,
Manamadurai,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.GURUDAS, Advocate (SR-24656[F] dated 08/06/2022)

W.P (MD) No.11063 of 2022
08.06.2022

RS (08.06.2022) 3P-6C