



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.01.2022**

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.[MD].No.4196 of 2019

and

W.M.P (MD) .No.3320 of 2019

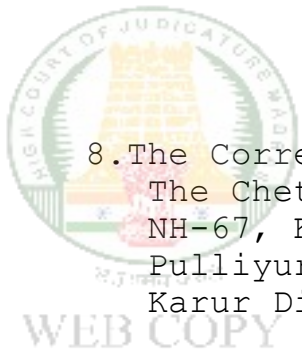
M.Abdul Wahap

S/o.Mahamed Ibrahim

: Petitioner

Vs.

- 1.The Union of India Represented by its,
The Secretary,
Ministry of Human resources and developments Department,
No.206-C, Sasthiri Bhavan,
New Delhi.
- 2.The Secretary,
The State of Tamil Nadu,
Higher Education Department,
Secretariat, Fort, St. Gorge,
Chennai.
- 3.The Secretary,
The State of Tamil Nadu,
Home Department,
Secretariat, Fort, St.George,
Chennai.
- 4.The Director General of Police,
Office of the Director General of Police,
Beach Road,
Chennai.
- 5.The Additional Director General of Police(CBCID),
Office of the Additional Director General of Police, (CBCID)
No.3, Sidco, Electronic Complex,
1st Floor, Guindy,
Chennai.
- 6.The Superintendent of Police,
Office of the Superintendent of Police,
Karur District.
- 7.The Inspector of Police,
Pasupathipalayam Police Station,



8.The Correspondent,
The Chettinad College of Engineering and Technology,
NH-67, Karur-Trichy Highways,
Pulliyur CF,
Karur District-639 114.

: Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1, 2 and 8 to pay adequate compensation to the petitioner for the death of his son by name A.Mohamed Mubarak aged 19-1/2 years who died within the 8th respondent college premises while attending classes on 18.01.2018 within the time stipulated by this Court.

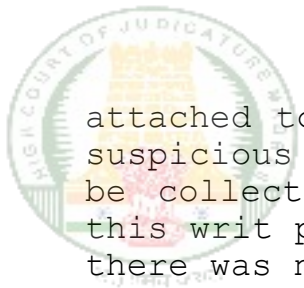
For Petitioner	: Mr.S.Malaikani
For Respondents	: Mr.A.Thiruvadi Kumar
2 TO 7	Additional Public Prosecutor

ORDER

This Writ Petition is filed by the father of the deceased namely A.Mohamed Mubarak who died on 18.01.2018 in his college premises.

2.According to the petitioner, his son was pursuing third year B.E Mechanical Engineering course in the 8th respondent college. On 18.01.2018 as usual his son went to the college, at about 03.00 p.m., he received information from the Karur Government Hospital that his son died. Immediately, he rushed to the hospital and collected information from the students of the college and came to know the incident that two months prior to the death of his son 20 students including his son were suspended for ten days, regarding the dispute between the senior and Junior students. In the suspicious circumstances his son was permitted in the college premises, on the day he was taken to the hospital by the students in a critical condition and he died on the same day. Suspecting that his son was done to death and it was not the case of suicide. The petitioner requested the police authorities to investigate the case fairly and expeditiously. However, there was no progress, hence this writ petition is filed to transfer the investigation to CBCID and to pay adequate compensation.

3.The learned Additional Public Prosecutor would submit that the son of the petitioner was taken to the hospital on 18.01.2018 due to his illness and he died on the same day. FIR was registered in Crime No.27 of 2018 for the offence under Section 174 of Cr.P.C. The autopsy was conducted and body was handed over to the petitioner. As far as the investigation conducted by the police



attached to the Pasupathipalayam Police Station, Karur District, no suspicious materials about the death of the petitioner's son would be collected. During the course of enquiry, the petitioner filed this writ petition for change of investigation agency and therefore, there was no progress in the investigation.

WEB COPY

4.The learned counsel for the petitioner would submit that the incident took place on 18.01.2018 and the writ petition was filed only in the month of February 2019 after one year. The writ petition was filed, after being dejected by the in action of the 7th respondent police, therefore, in the present case, CBCID investigation is required.

5.This Court on considering the submissions would only express its concern that by filing the writ petition seeking transfer of investigation, the progress in the investigation has been staled for the past three years and after lapse of three years, the investigation is still in the stage of collecting information and recording statements from witnesses.

6. In any event, the investigation has to be completed in a fair manner and therefore, this Court is of the view that the Superintendent of Police, Karur District shall form a special team to take up the investigation in Crime No.27 of 2018 and the complete the investigation in Crime No.27 of 2018 and file a final report within a period of 60 days from the date of a receipt of a copy of this order.

With the above directions, this Writ Petition is disposed of. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

tta

To

1.The Secretary,
The Union of India,
Ministry of Human resources and developments Department,
No.206-C, Sasthiri Bhavan,
New Delhi.



2.The Secretary,
The State of Tamil Nadu,
Higher Education Department,
Secretariat, Fort, St. George,
Chennai.

WEB COPY

3.The Secretary,
The State of Tamil Nadu,
Home Department,
Secretariat, Fort, St.George,
Chennai.

4.The Director General of Police,
Office of the Director General of Police,
Beach Road,
Chennai.

5.The Additional Director General of Police (CBCID),
Office of the Additional Director General of Police, (CBCID)
No.3, Sidco, Electronic Complex,
1st Floor, Guindy,
Chennai.

6.The Superintendent of Police,
Office of the Superintendent of Police,
Karur District.

7.The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.

8.The Correspondent,
The Chettinad College of Engineering and Technology,
NH-67, Karur-Trichy Highways,
Pulliyur CF,
Karur District-639 114.

9.The Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.MALAIKANI, Advocate (SR-913[F] dated 10/01/2022)

W.P. [MD] .No.4196 of 2019
07.01.2022

RD(25.01.2022) 4P 11C