



W.P.(MD)No.18086 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.18086 of 2015

C.Poomayil

... Petitioner

vs.

1. The Secretary to Government,
Home Department, Secretariat,
Saint George Fort,
Chennai – 9.
2. The Director General of Police,
Dr.Rathakrishnan Road, Chennai.
3. The District Collector,
Madurai.
4. The Superintendent of Police,
Surveyor Colony,
Madurai.
5. The Deputy Superintendent of Police,
Oomachikulam Division,
Madurai.



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6. The Inspector of Police,
Oomachikulam Division,
Oomachikulam, Madurai.
7. The Inspector of Police,
CBCID, Madeira.
8. Thangavel
9. Raman
Inspector of Police,
Malayampatti Police Station,
Erode District.
10. Balaji
Inspector of Police,
Economic Wings (EOW),
Virudhunagar District.
11. Radhamahesh
Sub-Inspector of Police,
Alanganallur Police Station,
Madurai District.
12. Jeyaraman
13. Murugan
Police Constable 1668,
Avaniapuram Police Station,
Traffic Investigation Wing,
Madurai District.



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14. Solaimalaikannan
Constable 337,
Koodalpudur Police Station,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of ***Mandamus***, directing the 1st respondent to take departmental proceedings against the respondent Nos.8 to 14 and consequently directing the 1st respondent to pay compensation of Rs.25,00,000/- based on the petitioner's representation, dated 09.09.2015.

For Petitioner : Mr.C.Susi Kumar, for
Mr.Jeyakarthick

For R-1 to R-7 : Mr. Veera. Kathiravan,
Additional Advocate General, assisted by
M/s.D.Farjana Ghoushia,
Special Government Pleader

ORDER

This Writ Petition is filed for issuing Writ of ***Mandamus***, seeking direction to the 1st respondent to take departmental proceedings against the respondent Nos.8 to 14 and also sought for a consequential direction to the 1st respondent to pay compensation of Rs.25,00,000/- based on the petitioner's



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representation, dated 09.09.2015.

2. Heard C.Susi Kumar, for Mr.Jeyakarthick, learned counsel appearing for the petitioner and Mr.Veera.Kathiravan, learned Additional Advocate General, assisted by Ms.D.Farjana Ghoushia, learned Special Government Pleader, appearing for the respondent Nos.1 to 7. Perused the material documents available on record.

3. The brief facts as stated in the affidavit is that the petitioner is a widow, who is surveying with her two daughters. On 27.05.2011, the petitioner and her younger daughter along with her husband went to Pandikovil. After returning back to home, the petitioner's elder daughter, namely, Santhana Gowri was found missing. On the next day, i.e., 28.05.2011, the petitioner's husband lodged a complaint before the Sub-Inspector of Police, namely, Radhamahesh, Oomachikulam Police Station, who is arrayed as accused No.11 and C.S.R.No. 217 of 2011 was also issued, but no case was registered. In the meantime, the petitioner's husband came to know that the petitioner's daughter has eloped with one Ranjithkumar to Coimbatore, who is one of the petitioner's relative and the



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same was duly intimated to the police station by the petitioner's husband. At that time, the Constable, namely, Murugan (R-13) instructed the petitioner's brother-in-law, Muthuramalingam and Mahendran to get back the petitioner's daughter from Coimbatore. Based on their oral instruction on 01.06.2011, the petitioner's brother-in-law went to Coimbatore, inspite of their hard searching they could not find out them. On the other hand, the petitioner's brother found out one Mathusudhan and Senthil, who are close friends of Ranjithkumar. After holding them, the petitioner's brother-in-law contacted the Head Constable Murugan (R-13) over phone and revealed that they found out the friend of the Ranjithkumar, wherein the Murugan/R-13 had directed to bring the said friends to the Oomachikulam Police Station, Madurai for enquiry. As per oral instructions, the petitioner's brother-in-law brought and handed over them to the Oomachikumarm Police station. This was further informed to the petitioner's husband. Thereafter, the petitioner and her husband went to Oomachikulam Police station and they were directed to purchase food for the said two friends. After enquiry, when the petitioner's husband and the two friends of Ranjith Kumar, namely, Mathusudhan and Senthil were about to leave from the police station. At that time, he was informed by the Head Constable (R-13) and one



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5. The contention of the petitioner is that, during the course of occurrence, the petitioner's husband went to the police station with good health, but on the next day, he was dead. Because of the torture, pressure, harassment and ill-treatment made by the respondent Nos.8 to 14, the petitioner's husband died. The respondents claimed that the petitioner's husband had committed suicide inside the police station, near bath room. But the petitioner submitted that initially, the petitioner's husband had written a letter, which was not produced earlier and belatedly the same was produced. This would show that the respondents were trying to hide the real facts and the letter has been sent to Forensic Laboratory for verifying the hand writing of the petitioner's husband and it was confirmed by the Forensic report that the same was written by the petitioner's husband. The learned Judicial Magistrate II, Madurai, had conducted enquiry under Section 176(A) of Criminal Procedure Code, wherein, it was held that the respondents have acted illegally and recommended for departmental action since the petitioner's husband died due to the torture, pressurize and harassment of the respondents. Therefore, the petitioner is claiming compensation



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for the death of the petitioner's husband to the tune of Rs.25,00,000/-.

6. The respondents have filed counter affidavit, wherein, it is stated that the enquiry was conducted under Section 176(A) of Criminal Procedure Code by the learned Judicial Magistrate II, Madurai. Based on the evidences of the witnesses, the learned Magistrate had concluded that the police officials have induced the deceased to commit suicide. The learned Magistrate has also recommended to take departmental action against Tr.Thangavel, Deputy Superintendent of Police and five others and the case records were also handed over to the CBCID for re-investigation. After re-investigating the matter, the officials of CBCID had concluded that the death of the petitioner's husband was confirmed as suicide and also recommended for taking departmental action against the Thangavel and 5 others, for not bringing the suicide note of the deceased, immediately. Except the above recommendation, the Government has also issued a G.O.Ms.No.1260, (L & O) E, department, dated 06.11.2015, ordered to initiate departmental action against all the delinquents. Based on the said G.O. action was taken against all the delinquents, separately and charge memo was also issued by the Director General of Police. The said Thangavel was placed under



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suspension and he was not permitted to retire from service on superannuation, on 20.08.2015. After concluding the enquiry, a notice was issued to all the delinquents for proposing the punishment and further representation was called for from the delinquents and still awaiting for further representation from the said delinquents. After receipt of the further representation, appropriate orders would be passed against the delinquents. There is no delay in disposing the departmental proceedings and hence, the respondents submitted that appropriate action has been taken against all the delinquents.

7. The learned Additional Advocate General appearing for the respondent Nos.1 to 7 vehemently submitted that, it is a case of suicide and not a case of custodial death and therefore, the claim of the petitioner claiming compensation will not arise at all. The petitioner's husband has committed suicide, only for the reason that his daughter eloped with one Ranjith Kumar. He further submitted that, a departmental action was initiated against all the delinquents as stated supra, because the delinquents have not presented the suicide note, dated 02.06.2011 at the appropriate time. Therefore, the respondents are not liable to pay any compensation for the death of the petitioner's husband.



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8. The submissions of the learned Additional Advocate General was objected by the learned counsel appearing for the petitioner. He also relied on the report of the learned Magistrate, wherein, it has been specifically stated that the deceased has committed suicide because of the torture, pressurize and harassment made by the delinquents/police officials.

9. This Court has considered the rival submission and perused the records. It is seen that the friends of the said Ranjith Kumar were brought to the Oomachikulam Police Station, as per instructions of the police officials by the petitioner and his relatives. But it is duty of the police to bring the witness or other person to the police station. Strangely, the police officials have directed the deceased person to bring those two friends to the police station, which leads to filing of criminal complaint of abduction. If the police officials have arrested the said two friends of Ranjith Kumar, then it would come under their official duty. This leads to unnecessary complications, whereby, the deceased was put into a situation to face criminal proceedings under criminal abduction. Already the deceased was under tremendous pressurize since his daughter has eloped with one



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Ranjith Kumar coupled with the fact that the deceased had to face the wrath of the police for abduction case, which had created a situation that the deceased was forced to face unbearable situation and has committed suicide. The respondents have directly or indirectly induced the deceased to commit suicide.

10. In view of the foregoing reasons, this Court is of the considered opinion that loss of the petitioner is irreparable. However in order to compensate the agony to some extent, the respondent ought to be directed to pay compensation.

11. At this juncture, the learned Additional Advocate General submitted before this Court that, already Rs.1 Lakh was paid to the petitioner, as compensation.

12. Considering the factual situation of the petitioner, this Court fixes the compensation as Rs.5 lakhs. Since the 1st respondent has already paid one lakh, the respondents shall pay the balance of Rs.4 Lakhs, as additional compensation.



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13. With the above observations, this Writ Petition is disposed of. No

Costs.

Index : Yes / No
Internet : Yes
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S.SRIMATHY, J

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