



W.P.No.28893 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.28893 of 2023

Ramu

... Petitioner

Vs.

- 1.State Rep.by
The Inspector of Police,
Annur Police Station,
Coimbatore District.
(Crime No.616 of 2023)
- 2.The Tahsildar,
Annur Taluk Office,
Coimbatore District.
- 3.The Dean,
Coimbatore Government Medical College Hospital,
Coimbatore District.
- 4.The Chief Medical Officer,
Annur Government Hospital, Annur Taluk,
Coimbatore District.
- 5.The Tahsildar,
Uthamapalayam Taluk Office,
Theni District.
- 6.The Dean,
Theni Government Medical College Hospital,
Theni District.



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7. The Chief Medical Officer,
Cumbum Government Hospital,
Uthamapalayam Taluk Office,
Theni District.

... Respondents

Prayer: Writ Petition is filed under Section 226 of Constitution of India, pleaded to issue a Writ of Mandamus, directing the 1st respondent to take immediate steps to exhume the buried dead body of the petitioner's son Murugan from the graveyard at Samandipuram, Cumbum, Uthamapalayam Taluk, Theni District in Crime No.616 of 2023 on the file of the 1st respondent and conduct post-mortem and forensic examination to find the actual cause of death of the petitioner's son and investigate the case and file an appropriate report in accordance with law.

For Petitioner : Mr.R.Radha Panidan
For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)

ORDER

Mr.Ramu father of Murugan seeks direction of this Court to exhume the body of his son Murugan from the graveyard at Samandipuram, Cumbum, Uthamapalayam Talk, Theni District.

2.From the complaint dated 01.09.2023 given to the Annur Police Station, Coimbatore District it appears that Murugan and his wife Kavitha



were living at Annur, Kariyampalayam. They have one son and daughter. His son had lot of money and had lent Rs.25 Lakhs to one Doctor at Erode. His daughter-in-law Kavitha had illicit relationship with that Doctor and there was some quarrel between the Kavitha and his son Murugan. On 20.07.2023, he received a call from Kavitha informing that his son Murugan died. After that the body was brought from Annur to Theni and the burial to the body was done at Theni. Later on, he found that Kavitha was closely moving with the Erode Doctor and he suspects that they both have done away his son. With this complaint given to the Annur police on 01.09.2023, now the present petition is filed seeking exhuming the body and conduct post-mortem to find out the actual cause of death.

3.The Investigation Officer has brought the CD file and the learned Government Advocate (Crl. Side) stated that the said Murugan, who had multiple health issues was taken to Shanthi Medical Foundation Hospital, Annur and he was declared as brought dead and the body was handed over to his wife Kavitha and thereafter, body was moved to Theni from Coimbatore and buried. An enquiry conducted in the spot of death and the known person at Annur, the Investigation Officer has got the information



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that the death was natural due to multiple health issues. However, since there was a request to exhume the body, the Inspector has requested Tahsildar, Uthamapalayam Taluk to arrange for exhuming the body and conduct autopsy by team of Doctors and the same is pending.

4.This Court finds that the death of Murugan occurred on 20.07.2023. The complaint is given on 01.09.2023. The suspicion as found in the FIR was not immediate but after lapse of time and the reason for suspecting Kavitha is also very hazy.

5.The said circumstances, this Court finds that exhuming the body of a person on a belated complaint with ulterior motive and bereft of details will not be in the interest of justice and honour to the death of a person. This Writ Petition to exhume the body and conduct post-mortem is dismissed. No Costs.

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Index : Yes/No
Neutral Citation : Yes/No
SSR



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To
WEB COPY

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Cumbum Government Hospital,
Uthamapalayam Taluk Office,
Theni District.
8. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

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