



WEB COPY



W.P.No.34804 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **16.02.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.34804 of 2022

P.Murugesan

... Petitioner

Vs

- 1 The Revenue Divisional Officer
Coimbatore District.
 - 2 The Superintendent of Police
Coimbatore District.
 - 3 The Medical Officer
Coimbatore Government College and Hospital
Coimbatore District.
 - 4 The Inspector of Police
Sulur Police Station
Coimbatore District.
- ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus directing the 3rd respondent herein to conduct postmortem of the petitioner's deceased father viz. Palani S/o. Chinnan died on 17.12.2021 and further directing the 1st respondent to conduct inquest in view of Section 174(4) of Criminal Procedure Code on the basis of the written representations of the petitioner dated 28.01.2022 respectively.

For the Petitioner : Mr.G.Magesh Kumar



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For the Respondents : Mr.V.Baranitharan,
Additional Government Pleader,
for the first respondent

Mr.R.Vinoth Raja,
Government Advocate, (Crl.Side)
for respondents 2 and 4

ORDER

The Writ petition has been filed seeking a mandamus directing the third respondent/Medical Officer, Coimbatore Government College and Hospital, Coimbatore to conduct postmortem of the father of the petitioner, Palani who died on 17.012.2021 and to conduct further enquiry on the basis of the representation given by the petitioner on 28.01.2022.

2. In the affidavit filed, the petitioner claimed that he was informed that his father had died of a road accident. The body of the father was also buried. A report in this regard was given by the burial ground on 21.12.2021. The petitioner had sought postpartum to be conducted, but unfortunately there was no positive response and after giving a further representation on 01.04.2022, the present writ petition has been filed.



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3. A status report has been filed by the Inspector of Police, Sulur Police Station, Coimbatore District.

4. Unfortunately, during the hearing of the matter, on the previous occasion and again today, the learned counsel for the petitioner was and is not present.

5. However, the status report reveals that the respondents had registered a FIR in Crime No. 59 of 2023 under Section 174 of the Code of Criminal Procedure on 31.01.2023. The dead body of the father of the writ petitioner was exhumed for the burial ground.

6. The Tahsildar, Madukkarai Taluk, Coimbatore District, conducted inquest in the presence of the relatives of the deceased. The relatives confirmed and identified the dead body as that of the father of the petitioner. Thereafter, the body was subjected to postmortem by a team of doctors.

7. A preliminary opinion was given that there were no fracture or multiple injuries or hip injuries on the body of the deceased.



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8. It was the opinion of the respondent that they had recovered a body of a male on 17.12.2021 who had apparently fainted on a road corner and it was stated that they had kept it in the Mortuary for a period of five days and thereafter through a Non Government Organization, Jeeva Santhi Trust had buried the body on 21.12.2021.

9. It is thus seen that the petitioner has not come to Court disclosing the actual facts or correct facts. He claimed that his father died due to being run over by a lorry and he also stated that he did not know any further detail except that information which he received on 21.12.2022.

10. However it is seen that a postmortem certificate had been issued by the Department of Forensic Medicine and Toxicology. During the inquest the body was identified by, among others the petitioner also who was physically present. The status report of the respondents is taken on record. There is no suspicious death. There is no death by accident. The petitioner will have to accept the reality. The reality is that, as son of his father, he had failed to look after his father properly and the father had unfortunately died due to exhaustion on 17.12.2021



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itself. The cries of the petitioner today are only crocodile tears. I do not think the petitioner had any real intention to look after his father or intended to be with his father in his last days.

6. The writ petition stands dismissed. No costs.

16.02.2023

Index: Yes/no
mrn

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C.V.KARTHIKEYAN, J.
(mrn)

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