



W.P(MD)No.4677 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4677 of 2024

and

W.M.P.(MD)No.4500 of 2024

Inbajancy Rani

... Petitioner

Vs.

- 1.The Home Secretary,
Home Department,
Government of Tamilnadu,
Secretariat,
Chennai - 9.
- 2.The Director General of Police,
DGP Office, Mylapore,
Dr. Radhakrishnan Salai,
Chennai - 5.
- 3.The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.
- 4.The Dean,
Government Hospital,
Ramanathapuram.
- 5.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram..



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6.The Deputy Superintendent of Police,
Ramanathapuram Range,
Ramanathapuram.

7.The Inspector of Police (CBCID),
Ramanathapuram Range,
Ramanathapuram District.

8.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.

9.Augustin

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 4th respondent to conduct re-postmortem of the petitioner's daughter namely Dhivya Mary body through a two senior professors from Forensic Department and in the presence of an independent expert forensic Doctor from the petitioner's side under the full video coverage within a stipulated time that may be fixed by this court and consequently direct the 2nd respondent withdraw the investigation in Crime No. 42 of 2024 pending on the file of 8th respondent of police and transfer the same and entrust the investigation to the 7th respondent police with direction to investigate the case on accordance with law within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.T.Villavankothai,
Addl. Government Pleader for R1, R3 & R4.
Mr.Albert James,
Govt. Advocate (Crl. Side) for R2, R5 to R8.



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ORDER

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Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1, 3 and 4 and the learned Government Advocate (Crl. Side) for the respondents 2 and 5 to 8.

2.The petitioner is the mother of Dhivya Mary. She was given in marriage to the ninth respondent on 30.09.2023. The petitioner's daughter died under unnatural circumstances on 14.02.2024. In this regard, Crime No.42 of 2024 was registered by Sayalkudi Police Station, Ramanathapuram. Postmortem was conducted. Expressing dis-satisfaction with the manner in which the postmortem was conducted, the present writ petition came to be filed.

3.After hearing the learned counsel at length, without casting any aspersion on the present investigating officer, I direct the fifth respondent / Superintendent of Police, Ramanathapuram to appoint any investigation officer in the cadre of Deputy Superintendent of Police. This is primarily because the dupatta using which the deceased is alleged to have committed was not even seized. On the other hand, it was allowed to be buried along with dead body. The new investigating officer shall conclude the investigation and file final



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report before the jurisdictional Magistrate within a period of three months from the date of receipt of a copy of this order.

4.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

02.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Home Secretary,
Home Department,
Government of Tamilnadu,
Secretariat,
Chennai - 9.
- 2.The Director General of Police,
DGP Office, Mylapore,
Dr. Radhakrishnan Salai,
Chennai - 5.
- 3.The Revenue Divisional Officer,
Ramanathapuram District,
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- 4.The Dean,
Government Hospital,
Ramanathapuram.



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- 5.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram..
- 6.The Deputy Superintendent of Police,
Ramanathapuram Range,
Ramanathapuram.
- 7.The Inspector of Police (CBCID),
Ramanathapuram Range,
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- 8.The Inspector of Police,
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G.R.SWAMINATHAN, J.

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