



W.A.(MD) Nos.3of 2018 & 773 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD) No.3 of 2018
and
C.M.P(MD)No.44 of 2018
and
W.A(MD)No.773 of 2017
and
C.M.P(MD)No.5580 of 2017**

W.A(MD)No.3 of 2018

- 1.The State of Tamil Nadu,
Rep. by Secretary,
Public Department,
Fort St. George,
Chennai-600 009.
- 2.The Director General of Police,
Tamil Nadu Police Head Quarters,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-4.
- 3.The Inspector General of Police,
South Range,
Office of the Inspector General of Police,
Madurai.

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4.The Deputy Inspector General of Police,
Office of the DIG of Police,
Madurai.

5.The Superintendent of Police,
Madurai District,
Madurai.

6.The Deputy Superintendent of Police,
Melur Division,
Melur.

7.The Inspector of Police,
Madurai Police Station,
Madurai District.

...Appellants 1 to 7/
Respondents 1 to 7

8.The District Collector,
Madurai District,
Madurai.

9.The Revenue Divisional Officer,
Madurai Sub Division,
Madurai.

10.The Superintendent of Police,
CBCID, No.3 SIDCO Electronic Complex,
1st Floor, Guindy,
Chennai-32.

...Appellants 8 to 10/
Respondents 12 to 14

-VS-



W.A.(MD) Nos.3of 2018 & 773 of 2017

WEB CAM Perumal (Died)

1. Gayathri
2. Minor Ragavan
3. Minor Kishore
(Petitioners 2 & 3/Minors are
rep. through their guardian and mother,
the first petitioner herein)
(Petitioner-1 substituted vide Court Order
dated 20.04.2015 in M.P.No.1/2014 and
Petitioners 2 & 3 impleaded vide order
dated 06.07.2015 in M.P(MD)No.1/2015)

...Respondents 1 to 3/
Writ Petitioners 1 to 3

4. Krishnamurthy
The Inspector General of Police,
South Range,
O/o. The Inspector General of Police,
Madurai.
5. Vijayabaskar
Deputy Superintendent of Police,
Melur Division,
Melur, Madurai.
6. R. Balaji,
Inspector of Police,
Melur Police Station,
Melur, Madurai.
7. M. Baskar,
Sub Inspector of Police,
Melur Police Station,
Melur, Madurai District.



WEB CRYM 8.Thangavel

W.A.(MD) Nos.3of 2018 & 773 of 2017

...Respondents 4 to 8/
Respondents 8 to 11 & 15

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order,
dated 24.03.2017, passed in W.P.(MD) No.14723 of 2010.

For Appellants : Mr.A.Kannan
Additional Public Prosecutor
For R1 : Mr.A.John Vincent
For R3, R5 & R6 : Mr.S.Rajasekar

W.A(MD)No.773 of 2017

1.Mr.Vijayabaskar
Deputy Superintendent of Police,
Melur Division,
Melur, Madurai.
(As in writ petition)

Actually serving as Additional Superintendent of Police,
Coastal Security Group,
Plot No.16, 16th Street,
Park Town, P and T Nagar,
Madurai-17.



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2.Mr.R.Balaji,
Inspector of Police,
Melur Police Station,
Melur, Madurai.
(As in Writ Petition)

Actually Serving as Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.

3.Mr.Baskar,
Sub Inspector of Police,
Melur Police Station,
Melur, Madurai District.
(As in Writ Petition)

Now Retired as Sub-Inspector,
No.37, MM Nagar, 6th Street,
Thirupalai,
Madurai.

...Appellant/Respondent Nos.9 to 11

-VS-

Perumal (Died)

1.Gayathri
2.Minor Ragavan
3.Minor Kishore
(Petitioners 2 & 3/Minors are
rep. through their guardian and mother,
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...Respondents 1 to 3/
Writ Petitioners 1 to 3



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Madurai.
- 8.The Superintendent of Police,
Madurai District,
Madurai.
- 9.The Deputy Superintendent of Police,
Melur Division,
Melur.
- 10.The Inspector of Police,
Madurai Police Station,
Madurai District.
11. Mr.Krishnamurthy,
The Inspector General of Police,



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WEB COM South Range,
O/o.The Inspector General of Police,
Madurai.

12.The District Collector,
Madurai District,
Madurai.

13.The Revenue Divisional Officer,
Madurai Sub-Division,
Madurai.

14.The Superintendent of Police,
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1st Floor, Guindy,
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15.Thangavel

...Respondents 4 to 15/
Respondent Nos.1 to 8,12 to 15

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order,
dated 24.03.2017, passed in W.P.(MD) No.14723 of 2010.

For Appellants	:	Mr.Mr.T.Lajapathi Roy
For R1	:	Mr.A.John Vincent
For R4 to 10 & 12 to 14	:	Mr.A.Kannan Additional Public Prosecutor



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COMMON JUDGMENT

[Judgment of the Court was made by A.D.JAGADISH CHANDIRA, J.]

These Writ Appeals have been filed by the appellants challenging the order of the Writ Court passed in W.P.(MD) No.14723 of 2010, dated 24.03.2017.

2. This Court, by order dated 05.04.2024, has passed the following order:-

"These twin Writ Appeals arise out of order of the learned Single Judge dated 24.03.2017 in W.P(MD).No.14723 of 2010. Vide its order, the learned Single Judge has slapped a compensation of Rs.10,00,000/- (Rupees Ten Lakhs only) vis-a-vis the custodial death of certain Nambu @ Ramesh on 10.05.2010 and has also directed its recovery from the three Police Officials.

2. The facts are as below:

- *On 10.05.2010, certain Nambu @ Ramesh was taken into custody and in the course of interrogation in a criminal case for theft, he died. The Revenue Divisional Officer had conducted his inquest and he had reported that the death is due to dehydration and hence, it was a natural death.*



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- *The criminal case in which certain Nambu @ Ramesh was interrogated, later came to be closed as a “Mistake of Fact”. The learned Magistrate has closed the case on the ground that the defacto complainant had withdrawn his complaint.*

3. Be that as it may, the father of the victim had moved the Human Rights Commission. Thereafter, the widow and children of the victim had moved this Court in W.P.(MD).No.14723 of 2010 seeking compensation. The respondents, which inter alia included three Police Officials (who were arrayed in the Writ Petition as respondent Nos.9 to 11), have contended that the death of the victim was natural and not due to custodial torture. This was disbelieved by the learned Judge, and the Court proceeded to order payment of compensation of Rs.10,00,000/-(Rupees Ten Lakhs Only) to the dependants of the victim and directed recovery from three Police Officials.

4. This has now led to two Writ Appeals. The first Writ Appeal in W.A.(MD).No.773 of 2017 was preferred by three Police Officials and the other Writ Appeal in W.A.(MD).No.03 of 2018 was filed by the Government.

5. This Court is informed that since passing of the order of the learned Single Judge, the Government has constituted a domestic enquiry and fastened the liability jointly and severally on the three Police Officials. The learned counsel appearing for the appellants



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WEB COPY in W.A.(MD).No.773 of 2017 made a submission that the first appellant had paid whatever amount which he was required to pay in the recovery proceedings pursuant to the domestic enquiry, and so was the third appellant. This Court is further informed that the first and third appellants had already superannuated.

6. So far as the second appellant is concerned, he was removed from service in certain other enquiry. In view of the fact that the recovery proceedings is completed, nothing survives for consideration in this Writ Appeal.

7. So far as W.A.(MD).No.03 of 2018 is concerned, inasmuch as the appellant has proceeded to recover the compensation amount from the delinquents, it is a tacit admission of the fact that the custodial death was not natural, but, due to custodial torture. The man, who died was said to be around 31 years at the time of his death and he had left behind him surviving his young wife and two children. Besides, he had his parents to support. Given the age and circumstances in which he died, a question mark is thrown threw on the future of his young children and his wife, which leads this Court to hold that the compensation of Rs.10,00,000/- (Rupees Ten Lakhs only) imposed by the learned Single Judge is just fair and reasonable. This Court, therefore, does not intend to interfere with the same.



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8. The learned counsel for the victim informed the Court that out of Rs.10,00,000/- (Rupees Ten Lakhs only) which was imposed as compensation, the Government had paid only Rs.5,00,000/- (Rupees Five Lakhs only). This Court now directs the remaining Rs. 5,00,000/- (Rupees Five Lakhs only) to be paid with interest at 6% per annum from 24.03.2017.

*9. Post the matters for reporting compliance on **11.06.2024** without fail."*

3. Today, when the matters are taken up for hearing, the learned Additional Government Pleader appearing for the appellants in W.A(MD)No.3 of 2018, on instructions would submit that the order of this Court, dated 05.04.2024 has been complied with and hence, no further orders are required.

4. The learned counsel appearing for the first respondent in W.A(MD)No.3 of 2018 submitted that the amount have also been credited in the account of the writ petitioner.



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5. Recording the above submissions, these writ appeals are closed.

No costs. Consequently, connected miscellaneous petitions are closed.

[A.D.J.C., J.] [K.R.S., J.]

11.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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AND
K.RAJASEKAR, J.

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