



WA(MD) No.773 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Fifth day of April Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE
and
The Hon`ble Mr.Justice P.VADAMALAI

WA(MD) No.773 of 2017 and 3 of 2018

IN WA(MD).773/2017 :

1 VIJAYA BASKAR
2 R.BALAJI
3 BASKAR

... APPELLANT/RESPONDENT NO.9 TO 11

Vs

PERUMAL (DIED)

1 GAYATHRI,
2 MINOR RAGHAVAN
3 MINOR KISHORE

(RESPONDENTS 2 & 3 BOTH REP THROUGH THEIR
GUARDIAN AND MOTHER THE 2ND RESPONDENT
HEREIN)

(R1 SUBSTITUTED VIDE COURT ORDER DATED
20.04.2015 IN M.P.NO1 OF 2014 AND R3 & R4
IMPLEADED VIDE ORDER DATED 06.07.2015 MP(MD)
NO.1 OF 2015 BY RMDJ)

... RESPONDENT NO.1 TO 3/PETITIONERS



WA(MD) No.773 of 2017

4 STATE OF TAMIL NADU,
REP. BY SECRETARY,
PUBLIC DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.

5 THE DIRECTOR GENERAL OF POLICE,
TAMIL NADU POLICE HEAD QUARTERS,
DR.RADHAKRISHNAN SALAI,
MYLAPORE, CHENNAI - 4.

6 THE INSPECTOR GENERAL OF POLICE,
SOUTH RANGE,
OFFICE OF THE IG OF POLICE,
MADURAI.

7 THE DEPUTY INSPECTOR GENERAL OF POLICE,
O/O. THE DEPUTY INSPECTOR GENERAL OF POLICE,
MADURAI.

8 THE SUPERINTENDENT OF POLICE,
MADURAI DISTRICT, MADURAI.

9 THE DEPUTY SUPERINTENDENT OF POLICE,
MELUR DIVISION, MADURAI.

10 THE INSPECTOR OF POLICE
MELUR POLICE STATION
MADURAI DISTRICT.

11 KRISHNAMURTHY

12 THE DISTRICT COLLECTOR
MADURAI DISTRICT, MADURAI.

13 THE REVENUE DIVISIONAL OFFICER,
MADURAI SUB DIVISION, MADURAI.



WA(MD) No.773 of 2017

14 THE SUPERINTENDENT OF POLICE,
CBCID, NO.3, SIDCO ELECTRONIC COMPLEX,
I FLOOR, GUINDY, CHENNAI - 32.

15 THANGAVEL

... RESPONDENT NO.4 TO 15
/RESPONDENT NO.1 TO 8, 12 TO 15

Prayer in WA(MD).773/2017 :

To allow the Writ Appeal and set-aside the order passed in W.P(MD)No.14723 of 2010 reserved on dated 03.03.2017 and pronounced on dated 24.03.2017 on the file of this Hon'ble Court.

Prayer in WP(MD). 14723/ 2010 :

To issue a writ, order or direction, particularly in the nature of a WRIT OF MANDAMUS, directing the respondents 1, 2 and 12 to prosecute the delinquent police officials on the basis of a fair and impartial investigation and to take criminal and departmental action against the respondents 9 to 11 and consequentially to pay to the petitioner, compensation of a sum of Rs.10,00,000/- (Rupees Ten Lakhs only).

IN WA(MD).3/2018 :

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.



WA(MD) No.773 of 2017

4 THE DEPUTY INSPECTOR GENERAL OF POLICE,
O/O. THE DEPUTY INSPECTOR GENERAL OF POLICE,
MADURAI.

5 THE SUPERINTENDENT OF POLICE,
MADURAI DISTRICT, MADURAI.

6 THE DEPUTY SUPERINTENDENT OF POLICE,
MELUR DIVISION, MADURAI.

7 THE INSPECTOR OF POLICE
MELUR 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,
I FLOOR, GUINDY,
CHENNAI - 32.

... APPELLANTS 8 TO 10/RESPONDENTS 12 TO 14

VS

PERUMAL (DIED)

1 GAYATHRI,
2 MINOR RAGAVAN
3 MINOR KISHORE

(RESPONDENTS 2 & 3/MINORS ARE REP THROUGH
THEIR GUARDIAN AND MOTHER THE 1ST
PETITIONER HEREIN)



WA(MD) No.773 of 2017

(PETITIONER -1 SUBSTITUTED VIDE COURT ORDER
DATED 20.04.2015 IN M.P.NO1 OF 2014 AND
PETITIONERS - 2 & 3 IMPEADED VIDE ORDER
DATED 06.07.2015 MP(MD) NO.1 OF 2015 BY RMDJ)

... RESPONDENTS 1 TO 3/WRIT PETITIONERS 1 TO 3

4 KRISHNAMURTHY

5 VIJAYABASKAR

6 R.BALAJI

7 M.BASKAR

8 THANGAVEL

... RESPONDENTS 4 TO 8/RESPONDENTS 8 TO 11 & 15

Prayer in WA(MD).3/2018 :

To set aside the order dated 24.03.2017 passed in WP(MD)No.14723 of 2010.

Prayer in WP(MD). 14723/ 2010 :

To issue a writ, order or direction, particularly in the nature of a WRIT OF MANDAMUS, directing the respondents 1, 2 and 12 to prosecute the delinquent police officials on the basis of a fair and impartial investigation and to take criminal and departmental action against the respondents 9 to 11 and consequentially to pay to the petitioner, compensation of a sum of Rs.10,00,000/- (Rupees Ten Lakhs only).

COMMON ORDER : These Writ Appeals coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.T.LAJAPATHI ROY, Senior Counsel for M/S.T.LAJAPATHI ROY & ASSOCIATES for the petitioners in WA(MD).773/2017 and for the Respondent Nos.5 to 7 in WA(MD).3/2018 and of MR.A.JOHN VINCENT, Advocate on behalf of the Respondent Nos.1 to 3 in both WA's and MR.N.MUTHU VIJAYAN, Special Government Pleader on behalf of the Respondent Nos.4 to 10 & 12 to 14 and none appeared either in person or by an advocate on behalf of the 15th Respondent in WA (MD).773/2017 and for the appellants in WA(MD).3/2018, the court made the following order:-

(Order of the Court was made by N.Seshasayee,J)

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



WA(MD) No.773 of 2017

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.
- 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



WA(MD) No.773 of 2017

Officials.

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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 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



WA(MD) No.773 of 2017

had his parents to support. Given the age and circumstances in which he died, a question mark is thrown 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.

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.

sd/-
05/04/2024

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/04/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SECRETARY,
STATE OF TAMIL NADU
PUBLIC DEPARTMENT,
FORT ST.GEORGE, CHENNAI - 600 009.



WA(MD) No.773 of 2017

2 THE DIRECTOR GENERAL OF POLICE,
TAMIL NADU POLICE HEAD QUARTERS,
DR.RADHAKRISHNAN SALAI,
MYLAPORE, CHENNAI - 4.

3 THE INSPECTOR GENERAL OF POLICE,
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MELUR DIVISION, MADURAI.

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MELUR POLICE STATION, MADURAI DISTRICT.

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MADURAI SUB DIVISION, MADURAI.

10 THE SUPERINTENDENT OF POLICE,
CBCID, NO.3, SIDCO ELECTRONIC COMPLEX,
I FLOOR, GUINDY, CHENNAI - 32.

+1. C.C. to M/S.A.JOHN VINCENT, Advocate SR.No.19022[F] Dated 08/04/2024

+1 C.C. to SPECIAL GOVERNMENT PLEADER, SR.No.19690[F] & SR.No.19689[F]
Dated 10/04/2024



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WA(MD) No.773 of 2017

ORDER
IN

WA(MD) No.773 of 2017 and 3 of 2018
Date :05/04/2024

RS/JGB/SAR-(15.04.2024) 10P 13C
Madurai Bench of Madras High Court is issuing
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