



Writ Petition No.21347 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.21347 of 2014

M.Radhakrishnan,
S/o.Murugesan

Petitioner

Vs

1.The Union Territory of Puducherry,
Rep. by the Chief Secretary, Secretariat,
Puducherry Union, Puducherry.

2.The Director General of Police,
Puducherry Union, Puducherry.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to consider the representation of petitioner dated 02.07.2014 and to take appropriate action against the police officers who were suspected to be involved in the murder of the petitioner's son Jayakrishnan @ Jagan in custody, and to award compensation to the petitioner's family for the custodial killing of the petitioner's son.

For Petitioner : Mr.P.Pugalenth

For Respondents : Mr.R.Sreedhar,
Additional Government Pleader

ORDER



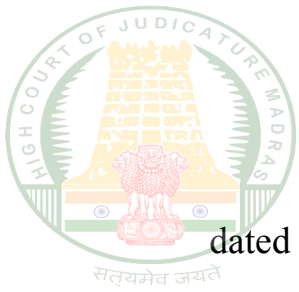
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This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents to deal with the representation made by the petitioner dated 02.07.2014 wherein the petitioner is seeking for appropriate action against the police officials suspected to be involved in the murder of the petitioner's son while he was in their custody.

2. Heard Mr.P.Pugalenth, learned counsel for petitioner and Mr.R.Sreedhar, learned Additional Government Pleader appearing for respondents.

3. The counter affidavit filed by the respondents shows that the petitioner's son was arrayed as an accused in a case and he was taken in a police van to the Court from the jail. While so, the adversaries attacked the police van by hurling bombs and thereby, the petitioner's son was killed inside the police van. Based on this attack, a First Information Report came to be registered in Crime No.91 of 2012 by the Inspector of Police, Aiyankuppam Police Station. After the investigation, a police report was filed against 27 accused persons. The trial was conducted before the III Additional Sessions Judge, Puducherry, in S.C.No.9 of 2013 and after trial, all the accused persons were acquitted by judgment



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dated 12.12.2014.

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4. The main ground raised by learned counsel for the petitioner is that when the petitioner's son was in police custody, it is the duty of the police to ensure his safety and security. Hence, for the said incident, the State has to pay compensation to the petitioner since admittedly the incident had taken place while the petitioner's son was in the custody of the police.

5. *Per contra*, learned Additional Government Pleader appearing on behalf of the respondents submitted that an enquiry was conducted under Section 176(1)(A) Cr.P.C by the Judicial Magistrate II, Puducherry and a report was submitted on 30.04.2013 to the effect that there is no manner of any suspicion or foul play in the matter. This report was also marked as a document in S.C.No.9 of 2013 as Ex.P142. Hence, it was contended that the demise of the petitioner cannot be considered to be a custodial death as was projected by the petitioner.

6. In the considered view of this Court, the demise of the



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petitioner has taken place due to the attack made by the rival gang. In fact, in that attack, even the police officials were injured. Unfortunately, the case ended in acquittal in the year 2014. An enquiry was conducted by the learned Judicial Magistrate II, Puducherry, under Section 176(1)(A) Cr.P.C and a report has been submitted. During enquiry, the police officials, who escorted the accused person, were enquired. Therefore, the respondents are taking a stand that the demise of the petitioner's son cannot be considered as a custodial death and consequently, the petitioner will not be entitled for payment of any compensation.

7. In view of the above discussion, there shall be a direction to the second respondent to convey to the petitioner the decision taken on the representation made by the petitioner on 02.07.2014 seeking for compensation, within a period of four (4) weeks from the date of receipt of a copy of this order.

This writ petition is disposed of in the above terms. No costs.



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Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm

To

1.The Chief Secretary,
Union Territory of Puducherry,
Secretariat, Puducherry Union, Puducherry.

2.The Director General of Police,
Puducherry Union, Puducherry.

N.ANAND VENKATESH, J

gm



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