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W.P.Crl.No.181 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.04.2026
PRONOUNCED ON: 01.06.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

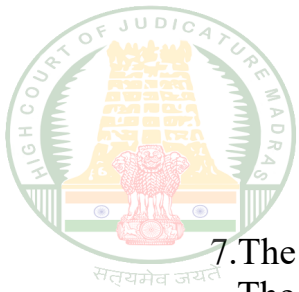
W.P.Crl.No.181 of 2026

V.Kannan

... Petitioner

vs.

- 1.The Secretary to the Government,
Department of Home (Police),
St.Fort George, Chennai – 600 009.
- 2.The Secretary to the Government,
Department of Health and Family Welfare,
St. Fort George,
Chennai – 600 009.
- 3.The Director General of Police,
Chennai – 600 004.
- 4.The District Collector,
Chennai – 600 001.
- 5.The Commissioner of Police,
Office of Commissioner of Police,
Chennai – 600 008.
- 6.The Dean,
ESIC Medical College and Hospital,
Ashok Pillar Road, K.K.Nagar,
Chennai – 600 074.



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7.The Dean,
The Government Stanley Medical College
and Hospital,
Chennai – 600 001.

8.The Inspector of Police,
Choolaimedu Police Station,
Chennai – 600 094.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus directing the respondents to exhume without any further delay the body of the petitioner's daughter Pooja body from the Hindu burial ground situated at Sterling road, Nungambakkam, Chennai and to direct the 7th respondent to conduct re-postmortem by a team of three senior Professors from 7th respondent College under full video coverage and submit the report before this Court and consequently direct the 5th respondent withdraw the investigation in Crime No.48 of 2026 from the file of 8th respondent police and to transfer the same to another independent investigation agency.

For Petitioner : Mr.T.Saikrishnan
For Respondents : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor
Assisted by Ms.Harshana.T

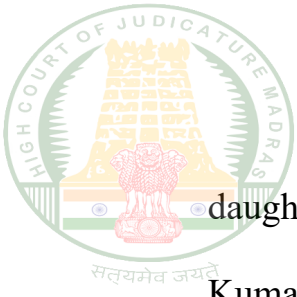
ORDER

The petitioner, father of Ms.Pooja, who died in mysterious circumstances, on his complaint case registered in Crime No.48 of 2026



under Section 194 BNSS, thereafter no proper investigation. Hence, the petitioner filed the present writ petition seeking to withdraw the investigation in Crime No.48 of 2026 from the file of 8th respondent police and to entrust the same to some other independent investigation agency.

2.The contention of the learned counsel for the petitioner is that the petitioner is a Cable Operator having two children, namely, Vigneshwaran and Pooja, who was studying first year Master of Physiotherapy at Sri Ramachandra College of Physiotherapy, Porur. On 17.01.2026 at about 6.56 p.m., the petitioner's wife Selvaprema was informed over phone that their daughter suddenly fainted at her friend's house at Choolaimedu. Immediately, they rushed to Choolaimedu and found the house belongs to one Harish Kumar and they were informed that their daughter was taken to Medway Hospital, Kodambakkam. Thereafter, they rushed to the Hospital where the Doctor informed them that their daughter was brought dead. The petitioner noticed strangulation marks around the neck of the deceased Pooja and injuries on her right hand, back of the forearm confirming that his daughter was assaulted and subjected to violence prior to death. One of the Staff Nurse at Medway Hospital brought the handbag of petitioner's



daughter and gave it to petitioner's son informing that the mother of Harish

Kumar handed over the handbag. At that time, some other person came and

took the bag from petitioner's son and handed over to the mother of Harish

Kumar. The Deputy Commissioner of Police, Anna Nagar was present, the

petitioner enquired the reason for the death and he was informed that his

daughter committed suicide by hanging in the house of Harish Kumar due to

some quarrel between them. The petitioner lodged a complaint and a case in

Crime No.48 of 2026 registered for the offence under Section 194 BNSS.

Despite visible marks of assault on the body of the petitioner's daughter

found, Police in a very casual manner registered FIR under Section 194

BNSS. Thereafter the body of the deceased Pooja was taken to ESIC

Hospital, K.K.Nagar during night hours and they were informed that

postmortem would be done there. On 18.01.2026 at about 1.00 pm the

petitioner was informed that postmortem will be conducted and body was

handed over to the petitioner at about 2.00 p.m., the body was buried at

Sterling road burial ground, Nugambakkam. On enquiry with the Police,

they informed that there was a quarrel between the petitioner's daughter and

the said Harish Kumar, since Harish Kumar compelled and forced her to get

married during the month of February and after registration of marriage



insisted that Pooja should stay with him, which was refused by deceased

Pooja and Harish Kumar slapped her, enraged by that, Pooja committed suicide by hanging. The petitioner submits that the external injuries and the ligature mark does not confirm that to be a suicide by hanging, it is a clear case of assault and thereafter hanging her to death projecting that it is a suicide. The respondent police not conducted proper investigation. There is nothing to show that the door was forcibly opened and how the petitioner's daughter was brought down and no explanation for the antemortem injuries found in the hand and head of the deceased Pooja. Further, in this case viscera not collected and preserved, further postmortem was done at ESIC Hospital at K.K.Nagar and not in KMC Hospital which is the normal procedure. Further, till date postmortem report not furnished to the petitioner. So far only the said Harish Kumar arrayed as accused, the mother of Harish Kumar, Selvi who was present at the time of occurrence not arrested and not shown as accused in this case. The respondent police appears to be complacent with accused and no proper investigation conducted. Hence, prayed to exhumate and re-postmortem to be conducted.



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3.The learned Additional Public Prosecutor filed a counter and submitted that the petitioner lodged a complaint to the Inspector of Police, Choolaimedu Police Station stating that his daughter Pooja was studying M.PT at Ramachandra University, Porur. From school days, a person named Harish Kumar previously residing near their house and now presently residing at Vanniyar Street, Rajeshwari Apartments was continuously harassing and troubling her in the name of love. Despite repeated warnings by the petitioner and his family, the accused not stopped his harassment. To avoid further trouble, the petitioner sent his daughter to Namakkal for studies. Even thereafter, the said Harish Kumar continued to disturb her. At present, the petitioner's daughter is studying at Ramachandra University. On the date of occurrence, the petitioner's daughter went to the College to attend classes, later at about 6.56 p.m., the mother of the accused Harish Kumar called the petitioner's wife over phone and informed that their daughter was lying unconscious at their house. Immediately they rushed to the house of Harish Kumar and came to know that their daughter was taken to Medway Hospital, Kodambakkam and they rushed to the Hospital where Doctor informed that petitioner's daughter was brought dead. Thereafter, a



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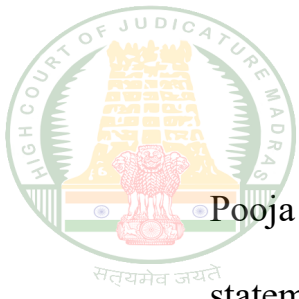
case in Crime No.48 of 2026 under Section 194 of BNSS (Suspicious death)

registered on 17.01.2026 at about 8.15 p.m. Thereafter visited scene of occurrence, prepared observation mahazar, rough sketch in presence of witnesses. On the same day at 10.00 p.m., the Inspector of Police conducted inquest on the body of the deceased in the presence of Panchayatars at Medway Hospital, Kodambakkam and sent the body to ESIC Hospital, K.K.Nagar for postmortem. Dr.Rukhil of Medway Hospital was examined as witness. Further, as per the Government Order in G.O.(Ms).No.390 Health and Family Welfare (Z1) Department dated 15.12.2023, F5 Choolaimedu Police Station and 17 Police Stations proposed for demarcation of jurisdiction for autopsy at ESIC Hospital, K.K.Nagar, Chennai. The petitioner V.Kannan, his wife Selvaprema, his son Vigneshwaran and Alexander, who is residing near the scene of occurrence, all examined. The accused Harish Kumar was also enquired. During investigation, it revealed that Harish Kumar and Pooja were in love relationship since their school days, the petitioner and his family members strongly opposed the said relationship but Pooja continued her love relationship with Harish Kumar and she used to visit the house of the accused regularly. On 17.01.2026 at about 5.00 p.m., Pooja came to the



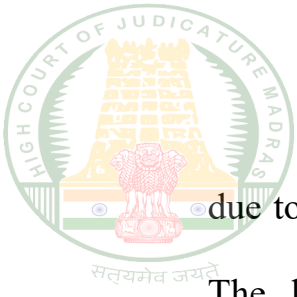
house of the accused, at that time, Harish Kumar compelled her for marriage and registration of marriage in the month of February, after registration of marriage, insisted Pooja to stay with them and not to return to her parental house. In this regard, there was a quarrel between them, in a fit of anger the accused Harish Kumar slapped her and asked her to die. Provoked by this instigation of accused Harish Kumar, Pooja became emotionally disturbed and committed suicide by hanging using a blue coloured dupatta to the ceiling fan in the house of the accused Harish Kumar. Thereafter, section was altered from 194 of BNSS to 108 BNS.

5. On 18.01.2026 at about 2.30 p.m., the accused was arrested and his confession recorded. Thereafter he was produced before XVII Metropolitan Magistrate Court, Saidapet and remanded to judicial custody. Within 24 hours of occurrence, the case was altered to Section 108 of BNS, FIR and Alteration report along with remand report sent to the XVII Metropolitan Magistrate Court, Saidapet. The neighbourhood witness Alexander confirm that Harish Kumar told Pooja to die and slapped her. Further Alexander informed that Harish Kumar with the help of Alexander lifted the victim to his shoulders and brought her down from third floor and thereafter, they took



Pooja to Medway Hospital, Kodambakkam in an auto. Based on the

statement of witnesses, it was found that Selvi, mother of the accused Harish Kumar though was present in the scene of occurrence, had no involvement in the incident and hence, she was not arrested in this case. During the course of investigation, CCTV footage collected from the route leading to the accused's house, which shows that the deceased came alone to the accused's house and there is no CCTV footage available at the scene of crime. The witnesses Selvi.Harini and Selvi.Sharmatha, College friends of deceased Pooja confirm that Pooja and Harish Kumar were in a love relationship. On 27.01.2026, postmortem report was received from ESIC Hospital which reveals that the cause of death was asphyxia due to hanging. In this connection, Dr.Hanumantha, Assistant Professor, ESIC Hospital who conducted postmortem was examined. His statement is that ligature mark on the neck of the deceased were clear cut and typical hanging marks. He had also given explanation that viscera preserved only in cases where there is suspicion of poisoning, the immediate cause of death is asphyxia due to hanging. Further, on 20.03.2026, a second opinion was obtained from the Director and Professor, Institute of Forensic Medicine, Madras Medical College (MMC), Chennai who confirmed that cause of death was asphyxia



due to hanging. Hence, there is no ambiguity regarding the cause of death.

The learned Additional Public Prosecutor also produced the copy of G.O.(Ms).No.390 Health and Family Welfare (Z1) Department dated 15.12.2023, statement of Alexander, postmortem report, second opinion obtained from MMC, photographs taken on the deceased showing the ligature marks and the injuries on the forearm. He also produced the alteration report, remand report, observation mahazar and statement of witnesses.

6.The learned counsel for the petitioner filed a reply affidavit and submitted that after filing of writ petition, copy of postmortem report was furnished to the petitioner wherein it is recorded that Police provided information that the deceased was taken to Medway Hospital in 108 Ambulance, but 108 Ambulance never takes any patient whose pulse was dropped and normally patients taken to Government Hospital and not to private hospital. Further, no efforts taken by the Investigation Agency to find out the mode and manner in which the petitioner's daughter was taken to Medway Hospital. No efforts taken to secure the CCTV footage available at Medway Hospital, Kodambakkam and there is no indication to show that



any information was received from Medway Hospital, Kodambakkam which is normal, in medico-legal cases. Further, it is stated that inquest was conducted on the body of the deceased in the presence of Panchayatars before sending the body to postmortem but no such inquest conducted to the knowledge of the petitioner. The respondent failed to follow the mandate as contained in Section 194 of BNSS and no information was given to the nearest Executive Magistrate. The ligature mark shown in the postmortem report starts at a point 2cm below the left mastoid and the photograph at page 31 of typed set of papers show that ligature mark is much below the left mastoid definitely at a distance of more than 5 cms and the photograph would show that ligature mark is horizontally placed at the neck of the deceased and not extending downwards and forwards as stated in the postmortem report. The postmortem report records congestion in the brain and multiple petechial haemorrhages in both the lungs as well as the surface of the heart which are indicative of violence before death. The purpose of investigation is to unravel the truth, it is unfortunate that medical experts are giving explanation for not preserving the viscera when death happened in suspicious circumstances. Hence, the petitioner have strong apprehension that no proper investigation is conducted and no effort is made to find out



the truth in this case. Further, the petitioner denies that his daughter was involved in any such love relationship with Harish Kumar.

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7.Considering the submissions made and on perusal of the materials, it is seen that it is most unfortunate that the petitioner's daughter, a student aged about 24 years studying Master of Physiotherapy in Sri Ramachandra Institute of Physiotherapy died under mysterious circumstances on 17.01.2026. On the complaint of the petitioner, immediately case registered under Section 194 of BNSS and investigation commenced. Information about the health condition of the petitioner's daughter was informed to the petitioner's wife at 6.56 p.m., immediately they rushed to Choolaimedu/scene of occurrence and thereafter to Medway Hospital, Kodambakkam and complaint was registered at 8.15 p.m. The Inspector of Police visited the scene of occurrence, prepared observation mahazar and rough sketch, statement of witness recorded at 8.45 p.m. and inquest conducted on the body of the deceased in the presence of Panchayatars at Medway Hospital, Kodambakkam. From the postmortem report, it is seen that inquest report submitted and it is between 8.45 p.m. and 9.30 p.m. on 17.01.2026. On the same day, the body was received at ESIC Hospital,



K.K.Nagar at about 11.00 p.m., requisition for postmortem was received and postmortem conducted between 1.00 p.m. to 2.30 p.m. on 18.01.2026. The postmortem Doctor recorded the general description, external appearance and recorded the injury details, which is as follows:

S.No.	Injury Details	Marked	Injury Number
1	An obliquely placed reddish-brown pressure abrasion, dry, hard consistent with ligature mark of length 27cm, incompletely encircling the neck (neck circumference of 33cm) present above the level of thyroid cartilage. The ligature mark starts at a point 2cm below the left mastoid (1cm width) extending downwards and forwards and lies at a point 3.5cm below left angle of mandible (3.5cm width) and extends 4cm below chin and 9cm above suprasternal notch (3cm width). The mark then extends upward and backward to the right side of neck to lie at a point 5cm below right angle of mandible (2cm width) to end at a point 2cm below the right mastoid process (1.5cm width).	Yes	1
2	A reddish abrasion of size 2cmx0.5cm present over the back of lower one third of right arm.	Yes	2
3	A contusion of size 9cmx7cm present over occipital region of scalp.	Yes	3

8.Further, in the description it is recorded that in the lungs and heart, multiple petechial haemorrhages present. Petechial haemorrhages is nothing but minute spots on pinpoint to pinhead which happen in the case of asphyxia. The explanation is that dupatta used for hanging snapped the body fell down to the floor and that might be the reason for contusion in occipital



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region and abrasion on the back of lower right arm, does not straight away confirm physical force used against the deceased. It is a matter for investigation. Admittedly the deceased who studying in Ramachandra University, Porur had come all the way to the house of Harish Kumar at Vanniyar Street, Rajeshwari Apartments, some CCTV footage in this regard collected and friends of the deceased Pooja confirm the acquaintance of deceased with Harish Kumar. The death of Pooja took place in the house of Harish Kumar, at that time, both Harish Kumar and his mother Selvi present. It is for them to give explanation as to how the death took place. Doctor who conducted postmortem at ESIC Hospital, K.K.Nagar and the second opinion obtained from MMC, both confirm reason for the death is asphyxia due to hanging. By abundant caution, viscera has to be preserved but in this case it is not done. The Doctor who conducted postmortem confirms that it is not a case of poisoning or any symptoms found on the body suspecting poison, hence viscera not collected but it might not be a proper explanation but no motive can be attributed to the laxity on the Doctor. In any event, on the facts of the case viscera will not have any barring. Further, postmortem conducted at ESIC Hospital, K.K.Nagar is as per jurisdiction allotted to respondent police as per G.O.Ms).No.390 Health and Family Welfare (Z1)



Department dated 15.12.2023. In the postmortem report, details recorded

and the reason for death is given. The photographs taken prior to postmortem indicates the ligature mark. In the postmortem report, physical features of ligature mark with clear distance and width recorded. Further, the Subscalpal contusion present over occipital region confirms that it leads to neck of femur and multiple petechial haemorrhages might be due to rush of blood and for other reasons. Thus, medical conditions explained by the postmortem Doctor and the Doctor who gave second opinion. The ligature mark found in the photographs and doubts raised by the petitioner is subjective, but medical records are otherwise. Thus, so far investigation proceeding in the right direction. Further, when the mother of accused Harish Kumar confirm that she was very much present when the deceased locked the room prior to death, it is to be seen no person can be a mute spectator and hence, needs further probe. However, with regard to place of occurrence, height and size of the room, whether door was broke open, what happened to blue colour dupatta, all to be properly recorded and further investigation to proceed with all diligence since some apprehensions raised by the petitioner, father of the deceased. In view of the above, the investigation to be continued by the respondent and the case to be monitored



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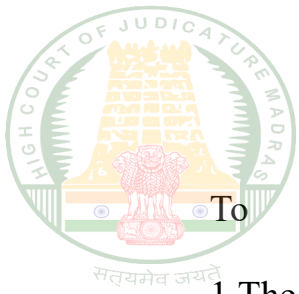
by the Deputy Commissioner of Police, Anna Nagar on a regular basis and the stage of investigation to be informed to the petitioner and final report to be filed without delay.

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9. With the above directions, the Writ Petition stands disposed of.

01.06.2026

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
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To

1. The Secretary to the Government,
Department of Home (Police),
St. Fort George,
Chennai – 600 009.
2. The Secretary to the Government,
Department of Health and Family Welfare,
St. Fort George,
Chennai – 600 009.
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Choolaimedu Police Station,
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9. The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

cse

PRE-DELIVERY ORDER IN

W.P.Crl.No.181 of 2026

01.06.2026