

ITEM NO.20

COURT NO.14

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) Nos.7800-7802/2024

[Arising out of impugned final judgment and order dated 12-01-2024 in WP No. 1398/2023, WP No. 15306/2022 & WP No. 15360/2022 passed by the High Court of Judicature at Madras]

INDIRA

Petitioner(s)

VERSUS

STATE HUMAN RIGHTS COMMISSION & ORS.

Respondent(s)

(IA No. 78435/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT & IA No. 78433/2024 - EXEMPTION FROM FILING O.T.)

Date : 29-01-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :

Mr. Zulfiqar Ali Khan, AOR

Mr. Mohd Israr Khan, Adv.

Mr. M Dhandapani, Adv.

For Respondent(s) :

Mr. Sabarish Subramanian, AOR

Mr. Senthil Jagadeesan, Sr. Adv.

Mr. Sachin S, Adv.

Mr. Swami Subramaniam, Adv.

Mr. A. Karthik, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. Exemption Applications are allowed.
2. These petitions arise from the Judgment and Order dated passed by the High Court of Judicature at Madras dated 12-01-2024 in WP No. 1398/2023, WP No. 15306/2022 and WP No.15360/2022 respectively by which the Writ Petitions filed by the petitioner - herein wife of the deceased came to be dismissed.
3. To put it briefly, the husband of the petitioner along with two other co-accused was arrested in connection with a First

Information Report for the offence punishable under Sections 341, 294, 324, 506(2) of the Indian Penal Code read with Section 4 of the Tamil Nadu (Prohibition of Harassment of Women) Act, 2002 respectively.

4. The husband of the petitioner along with other two co-accused was arrested by the Police. They were thereafter produced before the Judicial Magistrate on the very same day and the Judicial Magistrate remanded them to judicial custody. Something went wrong in the night hours and the health of the husband of the petitioner deteriorated. Ultimately, he died in the jail itself. The body was sent for post-mortem. The post-mortem report *prima facie* reveals few external injuries in the form of abrasion etc. However, the Histopathological report suggests that the cause of death was Asphyxia on account of food particles getting into the respiratory tract thereby obstructing the smooth passage of air in the lungs. In other words, the report indicates that the man died due to asphyxiation caused by ingestion of food in the lungs.

5. The matter was taken up before the State Human Rights Commission, Tamil Nadu. The Human Rights Commission upon conclusion of the inquiry recorded a finding that although the cause of death cannot be attributed to the allegations of third degree methods alleged to have been adopted by Police yet the Police could be said to have manhandled the husband of the petitioner.

6. In such circumstances, compensation of the amount of Rs.3,00,000/- was awarded.

7. The appellant ultimately went before the High Court and prayed for appropriate reliefs.

8. The High Court after due consideration of all the relevant aspects of the matter recorded a finding that the cause of death was not due to any third degree methods alleged to have been adopted by the Police and there was no cogent evidence to indicate that the deceased had suffered external injuries while he was in custody of the police after his arrest.

9. There are highly disputed questions of fact involved in this litigation. It is difficult for us to reach to a definite

conclusion that the case is one of custodial torture.

10. As on date, the relief prayed for by the petitioner is that appropriate compensation should be awarded for violation of Article 21 of the Constitution of India.

11. As noted above, since the facts are quite hazy, it is difficult for us to pass any order directing the State to pay compensation.

12. In the result, these petitions fail and are hereby dismissed.

13. Pending applications, if any, shall also stand disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)