



W.P.(MD) Nos.17949, 17975, 17976, 18034, 18035 & 18443 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P.(MD) Nos.17949, 17975, 17976, 18034, 18035 & 18443 of 2025
and
W.M.P.(MD) Nos.13745, 13746, 13754, 13755, 13756, 13813 & 13815 of
2025**

1.W.P.(MD) No.17949 of 2025:

E.Marees Kumar

... Petitioner

-VS-

- 1.The Chief Secretary to
the Government of Tamil Nadu,
Secretariat,
Fort St.George,
Chennai – 600 009.
- 2.The Additional Chief Secretary to
the Government of Tamil Nadu,
Department of Home, Prohibition and Excise,
Secretariat, Fort St.George,
Chennai – 600 009.

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3.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.

4.The District Superintendent of Police,
Sivagangai District,
Collectorate Complex,
Manamadurai – Tanjavur Road,
Sivagangai – 630 562.

5.The Secretary to Government,
Ministry of Home Affairs,
Government of India,
North Block, New Delhi – 110 001.

6.The Director,
Central Bureau of Investigation,
6th Floor, Lodhi Road, Plot No.5-B,
Jawaharlal Nehru Stadium Marg,
CGO Complex, New Delhi – 110 003.

7.The Chairman,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block – C, GPO Complex, INA,
New Delhi – 110 023.

8.The Inspector of Police,
Thirupuvanam Police Station,
Sivagangai District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus:

- (a) Directing the State Government through Respondent No.1 to award an interim compensation of Rs.50,00,000/- (Rupees fifty lakhs) payable immediately to the family members of B.Ajithkumar.
- (b) Directing the registration of an FIR against those responsible for the death of B.Ajithkumar in police custody including under Section 103 of the BNS (Murder).
- (c) Directing the State Government to suspend all the erring police officials and other connected officials to this brutal incident with immediate effect.
- (d) Directing that the investigation be transferred to the Central Bureau of Investigation (CBI) or a Special Investigation Team (SIT) to be headed by a retired Judge of this Court since there are grave concerns over the manner in which the present investigation is being carried out.
- (e) Issue appropriate directions taking into consideration the police brutality in the recent past to ensure no custodial or lockup deaths take place in future.



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For Petitioner : Mr.E.Mareeskumar (Party in Person)

For Respondents : Mr.P.Thilak Kumar
Government Pleader for R1 & R2

: Mr.M.Ajmal Khan
Additional Advocate General
assisted by
Mr.T.Senthil Kumar
Additional Public Prosecutor for R3, R4 & R8

: Mr.K.Govindarajan
Deputy Solicitor General of India for R5

: Mr.N.Mohideen Basha
Special Public Prosecutor for R6

2.W.P.(MD) No.17975 of 2025:

Karthickraja

... Petitioner

-VS-

1.The Home Secretary,
Office of the Home Secretary,
Government of Tamil Nadu,
Secretariat,
Fort St.George,
Chennai – 600 009.



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- 2.The Director General of Police,
Office of the Director General of Police,
Head of Police Force,
Government of Tamil Nadu,
Dr.Radhakrishana Salai,
Mylapore, Chennai – 600 004.
- 3.The Additional Director General of Police,
Office of the Additional Director
General of Police (ADGP),
Crime Branch Crime Investigation
Department (CBCID),
No.220, Pantheon Road,
Egmore, Chennai – 8.
- 4.The Inspector General of Police,
Office of the Inspector General of Police,
South Zone, Madurai, Madurai District.
- 5.The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District.
- 6.The Superintendent,
Government Hospital,
Thirupuvanam, Sivaganga District.
- 7.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thirupuvanam Sub Division,
Sivagangai District.
- 8.The Inspector of Police,
Thirupuvanam Police Station, Sivagangai District.



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9.The Dean,
Government Rajaji Government Hospital,
Goripalayam,
Madurai District.

10.The Assistant Commissioner
/Executive Officer (HR & CE),
Bhadrakali Amman Temple,
Madapuram Temple,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus to direct the respondent Nos.1 to 7 to register a murder case based on the complaint prepared by the mother of the deceased dated 29.06.2025 and transfer the same to the third respondent and the investigation may be periodically monitor by this Court.

For Petitioner : Mr.Henri Patrick Tiphange

For Respondents : Mr.P.Thilak Kumar
Government Pleader for R1, R6 & R9

: Mr.M.Ajmal Khan
Additional Advocate General
Assisted by
Mr.T.Senthil Kumar
Addl. Public Prosecutor for R2 to R5, R7 & R8

: Mr.P.Subbaraj
Special Government Pleader for R10



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3.W.P.(MD)No.17976 of 2025:

D.Pandidurai

... Petitioner

-VS-

- 1.The Government of Tamil Nadu,
Rep. by its Home Secretary,
Secretariat, Chennai.
- 2.The Director General of Police,
Chennai.
- 3.The Joint Director cum Head of Zone,
Central Bureau of Investigation,
3rd Floor, EVK Sampath Building,
College Road, Chennai – 06.
- 4.The Superintendent of Police,
Sivagangai.
- 5.The Inspector of Police,
Thirupuvanam Police Station,
Sivagangai.
- 6.The Executive Officer,
Madapuram Bathirakali Amman Temple,
Madapuram, Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus to withdrawn the investigation in Crime No.303

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of 2025 on the file of the fourth respondent police and transfer the investigation to the second respondent and consequently issue a comprehensive guidelines for investigation, enquiry, inquiry, inquest by ensuring fair investigation by this Court.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.P.Thilak Kumar
Government Pleader for R1

: Mr.M.Ajmal Khan
Additional Advocate General
Assisted by Mr.T.Senthil Kumar
Additional Public Prosecutor for R2, R4 & R5

: Mr.N.Mohideen Basha
Special Public Prosecutor

: Mr.P.Subbaraj
Special Government Pleader for R6

4.W.P.(MD) No.18034 of 2025:

P.Pandi

... Petitioner

-VS-



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1.The Government of Tamil Nadu,
The Chief Secretary,
Fort St.George, Secretariat,
Chennai – 600 009.

2.The Principal Secretary,
Home Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

3.The Director General of Police,
Office of the Director General of Police,
Post Box No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004,

4.The Deputy Superintendent of Police,
CBCID,
No.23, Tirupathur Road,
(Opp.to Court Building),
Sivagangai HO,
Sivagangai-630 561.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a writ of Mandamus

- (a) to direct the respondents to frame the guidelines to prevent the custodial deaths in Tamil Nadu.
- (b) to direct the State Government to install functional CCTV cameras with audio recording in all police stations and lock-ups across Tamil Nadu as per the directions of the Hon'ble



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Supreme Court in Paramvir Singh Saini vs. Baljit Singh (2020).

- (c) to direct the State Government to establish a State-Level Custodial Death Monitoring Committee chaired by a regired high Court Judge to review and monitor such incidents.
- (d) to direct the State Government through respondent No.1 to award an interim compensation of Rs.1,00,00,000/- (Rupees one crore) payable immediately to the family members of Mr.B.Ajithkumar.
- (e) to direct the fourth respondent to transfer the case to SIT (Special Investigation team for further investigation.
- (f) to direct the Judicial Enquiry and file report before this Court.

For Petitioner : Mr.R.Ramasamy

For Respondents : Mr.P.Thilak Kumar
Government Pleader for R1 & R2

: Mr.M.Ajmal Khan
Additional Advocate General
Assisted by
Mr.T.Senthil Kumar
Addl. Public Prosecutor for R3 & R4



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5.W.P.(MD) No.18035 of 2025:

Theeran Thirumurugan @ Thirumurugan

... Petitioner

-VS-

- 1.The State of Tamil Nadu,
Rep. By the Principal Secretary,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Director General of Police,
Office of the Director General of Police,
Chennai.
- 3.The Joint Director,
Central Bureau of Investigation,
3rd Floor, Sastri Bavan,
Nungampakkam, Chennai.
- 4.The Additional Director General of Police,
Office of the Additional Director General of Police,
Crime Branch CID,
No.220, Old Commissioner of Police Complex,
Pantheon Road, Komaleeswaranpet,
Egmore, Chennai-600 008.
- 5.The Joint Director,
Central Bureau of Investigation,
73, Athikulam Main Road,
Palanisamy Nagar, Ramnad Reserve Line,
Athikulam, Madurai-625 007.



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6.The District Collector,
Office of the District Collector, Sivagangai District.

7.The Dean,
Government Rajaji Hospital, Madurai District.

8.The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai, Sivagangai District.

9.The Inspector of Police,
Office of the Inspector of Police,
Crime Branch CID,
Sivagangai District.

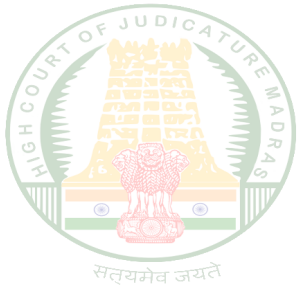
... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus to direct the investigation into the custodial death of Ajith Kumar be handed over to the Central Bureau of Investigation (CBI) / respondent No.4 in accordance with law, within a time stipulated by this Court.

For Petitioner : Dr.R.Alagumani

For Respondents : Mr.P.Thilak Kumar
Government Pleader for R1, R6 & R7

: Mr.M.Ajmal Khan
Additional Advocate General
Assisted by Mr.T.Senthil Kumar
Addl. Public Prosecutor for R2, R4, R8 & R9
: Mr.N.Mohideen Basha
Special Public Prosecutor



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6.W.P.(MD) No.18443 of 2025:

V.Maharajan

... Petitioner

-VS-

- 1.The Home Secretary,
Government of Tamil Nadu,
Secretariat, St. George Fort,
Chennai – 600 009.
- 2.The Director General of Police,
DGP Office,
Chennai.
- 3.The Inspector General of Police,
South Zone,
Madurai District.
- 4.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 5.The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.
- 6.The Inspector of Police,
Thirupuvanam Police Station,
Thirupuvanam,
Sivagangai District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus

a) directing the respondents to issue guidelines for ensuring an effective and purposeful framework and its implementation to fulfil the constitutional obligation of right to life and human dignity and prevention of custodial torture/deaths.

b) directing the State Government to form an independent committee monitored by this Court consisting of members from all the relevant departments/ministers which can review the entire legal framework and find pitfalls in the existing legal framework in order to curb the menace of custodial torture/deaths, so as to enable rehauling of the legislative mechanisms in consonance with the guidelines.

c) take necessary action against the offenders and political goondas who are all involved in this case by considering the petitioner's representation dated 30.06.2025.

For Petitioner : Mr.S.Sathya Chidambaram

For Respondents : Mr.P.Thilak Kumar
Government Pleader for R1

: Mr.M.Ajmal Khan
Additional Advocate General
Assisted by Mr.T.Senthil Kumar
Addl. Public Prosecutor for R2 to R6



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COMMON ORDER

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

Pursuant to the orders of this Court dated 01.07.2025, the learned IV Additional District Judge, Madurai has undertaken the process of enquiry to find out the preliminary facts for the limited purpose of understanding the facts of the case.

2.The learned IV Additional District Judge, Madurai submitted his detailed report before this Court today ie., on 08th July, 2025 and this Court has carefully gone through the entire report which would amplify the scene of occurrence, conduct of the police officials, Rule of law followed etc.

3.The learned Additional Advocate General appearing on behalf of the State filed a status report of the Director General of Police along with a typedset of papers. The State has taken a decision to transfer the investigation of the case in Crime No.303 of 2025 to the Central Bureau of



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Investigation (CBI) and accordingly, G.O.(2D)No.194, Home (Police VIII) Department dated 01.07.2025 has been issued. A notification was also published in the Tamil Nadu Government Gazette on 1st July 2025 transferring Crime No.303 of 2025 to the Central Bureau of Investigation (CBI). That apart, a free house site patta has been granted to the mother of the deceased B.Ajithkumar.

4.The District Collector, Sivagangai has issued an order of appointment to the brother of the deceased as Senior Factory Assistant vide appointment order dated 02.07.2025. The appointment has been provided in the District Milk Producers Union Limited, Karaikudi, Sivagangai District.

5.The legal position regarding custodial death and transfer of investigation to an independent agency has been amply settled by the Apex Court of India in the case of ***Hansura Bai Vs. State of Madhya Pradesh [2025 SCC Online SC 1119]***. The Hon'ble Supreme Court was confronted with serious allegations of custodial torture and death, where the police



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personnel of the local station were themselves the alleged perpetrators. The Court emphasised the foundational principle of *nemo judex in causa sua*, which means that “no one should be a judge in his own cause” and ordered the transfer of investigation to the Central Bureau of Investigation.

6.The Court observed it is a settled position of law that credibility of investigating agency should be impeachable. Further, the power to transfer investigations to a certain investigating agency must be sparingly used in the interest of justice and to maintain public trust on the institution. If the investigating agency is privy to the dispute, it may raise doubts on the credibility of investigation and thus, make out a ground to transfer the investigation.

7.In the case of ***Mohammed Anis Vs. Union of India [1994 Supp (1) SCC 145]***, this Court observed that “fair and impartial investigation by an independent agency, not involved in the controversy, is the demand of public interest. If the investigation is by an agency which is

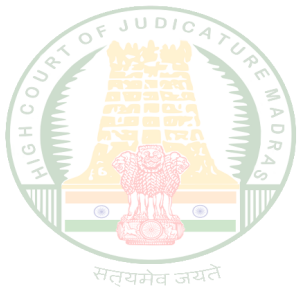


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allegedly privy to the dispute, the credibility of the investigation will be doubted and that will be contrary to the public interest as well as the interest of justice.”

8.Doubts were expressed regarding the fairness of the investigation as it was feared that as the local police was alleged to be involved in the case of torture and custodial death.

9.In the case of ***R.S.Sodhi Vs. State of Uttar Pradesh [1994 Supp (1) SCC 143]***, the Court observed that “however faithfully the local police may carry out the investigation, the same will lack credibility since the allegations are against them. It is only with that in mind that we having thought it both advisable and desirable as well as in the interest of justice to entrust the investigation to the Central Bureau of Investigation forthwith and we do hope that it would complete the investigation at an early date so that those involved in the occurrences, one way or the other, may be brought to book.”



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10.The Constitution Bench of the Hon'ble Supreme Court in the case of ***State of West Bengal Vs. Committee for Protection of Democratic Rights [AIR 2010 SC 1476]*** reiterated that “power of the High Courts under Article 226 and the Supreme Court under Article 32 to transfer the investigation of a cognizable offence to the Central Bureau of Investigation without the consent of the concerned State, where such direction is necessary to enforce fundamental rights”.

11.It is clarified that such intervention does not infringe the federal structure or the doctrine of separation of powers, but rather flows from the constitutional obligation of the judiciary to protect fundamental rights. Further, it held that “ a direction by the High Court under Article 226 to the Central Bureau of Investigation to investigate a cognizable offence alleged to have been committed within a State, without the consent of that State, neither impinges upon the federal structure of the Constitution, nor violates the doctrine of separation of powers and shall be valid in law.”



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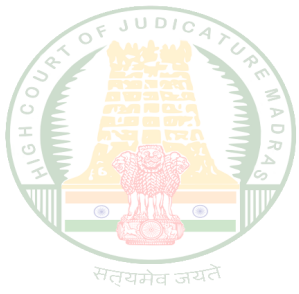
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12.However, the Constitution Bench cautioned that such an exercise must be done sparingly, cautiously and in exceptional circumstances such as to preserve public confidence in the fairness of investigation.

13.In the case of ***Prakash Kadam Vs. Ramprasad Vishwanath Gupta [(2011) 6 SCC 189]***, the Supreme Court in unequivocal terms emphasized that “in our opinion if crime are committed by ordinal people, ordinary punishment should be given, but if the offence is committed by policemen much harsher punishment should be given to them because they do an act totally contrary to their duties.”

14.In the case of ***Babubhai Jamnadas Patel Vs. State of Gujarat and others [2009 (6) SCC 610]***, the Supreme Court of India observed as follows:

“36. The said position has been reiterated in the various decisions cited by Mr. Dave, particularly in the case of Kashmeri Devi (supra), wherein a direction had to be given to the Magistrate to exercise powers under Section 173(8) Cr.P.C. to direct the C.B.I. to make a proper and thorough investigation in an



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15.In the context of the above judgments and on the facts of the case on hand, the State itself came forward and transferred the investigation in Crime No.303 of 2025 to the Central Bureau of Investigation and the same has also been published in the Tamil Nadu Government Gazette dated 1st July 2025.

16.The respective learned counsels appearing on behalf of the petitioners would urge this Court that yet another F.I.R registered in connection with the very same incident regarding theft of jewels in Crime No.302 of 2025, is also to be transferred to the Central Bureau of Investigation for investigation for providing complete justice. There is every justification to transfer the said Crime No.302 of 2025 to the Central Bureau of Investigation.



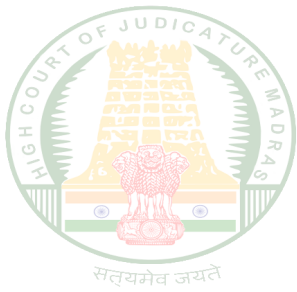
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17.The learned counsel appearing for the petitioners would submit regarding command and responsibility, the Supreme Court of India in the case of ***Bhagwan Singh and another Vs. State of Punjab [(1992) 3 SCC 249]*** held as follows:

*“7.A case cannot be thrown out merely on the ground that the dead body is not traced when the other evidence clinchingly establishes that the deceased met his death at the hands of the accused. It may be legitimate right of any police officer to interrogate or arrest any suspect on some credible material but it is needless to say that such an arrest must be in accordance with the law and the interrogation does not mean inflicting injuries. It should be in its true sense and purposeful namely to make the investigation effective. Torturing a person and using third degree methods are of medieval nature and they are barbaric and contray to law. The police would be accomplishing behind their closed doors precisely what the demands of our legal order forbid. In *Dagdu and others v. State of Maharashtra, [1973] 3 SCC 68* this Court observed as under:*

"The police with their wide powers are apt to overstep their zeal to detect crimes and are tempted to use the strong arm against those who happen to fall under their



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secluded jurisdiction. That tendency and that temptation must in the larger interest of justice be nipped in the bud."

8.It is a pity that some of the police officers, as it has happened in this case, have not shed such methods even in the modern age. They must adopt some scientific methods than resorting to physical torture. If the custodians of law themselves indulge in committing crimes then no member of the society is safe and secure. If police officers who have to provide security and protection to the citizens indulge in such methods they are creating a sense of insecurity in the minds of the citizens. It is more heinous than a game-keeper becoming a poacher."

18.In the case of State of **Madhya Pradesh Vs. Shyamsunder Trivedi and others [(1995) 4 SCC 262]**, the Apex Court held as follows:

"16.Indeed, there is no evidence to show that after Ganiuddin, respondent No. 5, who along with Rajaram respondent No. 4 had brought the deceased to the police station for interrogation, had at any time left the police station on the fateful night. In the face of the unimpeachable evidence of PW4 and PW8, we fail to understand how the learned Judges of the High Court could opine that there was no definite evidence to show the



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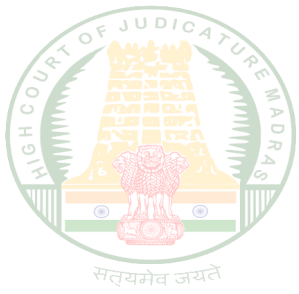
complicity of Ram Naresh Shukla respondent No. 3, Rajaram and Ganniuddin respondents 4 and 5 respectively in the crime alongwith SI Trivedi, respondent No. 1. The observations of the High Court that the presence and participation of these respondents in the crime is doubtful are not borne out from the evidence on the record and appear to be an unrealistic over simplification of the tell tale circumstances established by the prosecution. The following pieces of circumstantial evidence apart from the other evidence on record, viz.; (i) that the deceased had been brought alive to the police station and was last seen alive there on 13.10.81 : (ii) that the dead body of the deceased was taken out of the police station on 14.10,81 at about 2 p.m. for being removed to the hospital; (iii) that the deceased had died as a result of the receipt of extensive injuries while he was at the police station; (iv) that SI Trivedi respondent no. 1, Ram Naresh Shukla, Respondent No. 3, Raja Ram, respondent No. 4 and Ganiuddin respondent No. 5 were present at the police station and had all joined hands to dispose of the dead body of Nathu - Banjara; (v) that SI Trivedi, respondent No, 1 created false evidence and fabricate false clues in the shape of documentary evidence with a view to screen the offence and for that matter, the offender (vi) SI Trivedi respondent in connivance with some of his subordinates, respondents herein had taken steps to cremate the dead body in hot haste describing the deceased as a 'lavaris'; (vii) Rajaram and Ganniuddin respondents had brought the deceased to the police



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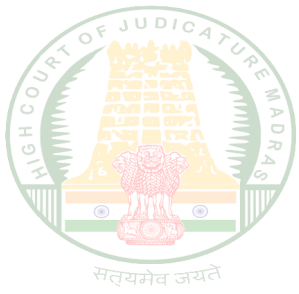
station from his village, and (viii) that police record did not show that either Rajaram or Ganniuddin had left the police station, till the dead body was removed to the hospital in the jeep, unerringly point towards the guilt of the deceased and the established circumstances coupled with the direct evidence of PW1, 3, 4, 8 and 18. are consistent only with the hypothesis of the guilt of the respondents and are inconsistent with their innocence. So far as respondent No. 2, Ram Partap Mishra is concerned, however, no clinching or satisfactory evidence is available on the record to establish his presence at the police station when Nathu deceased was being subjected to extensive beating or of his participation in the commission of the crime. The High Court erroneously overlooked the ground realities that rarely in cases of police torture or custodial death, direct ocular evidence of the complicity of the police personnel would be available, when it observed that 'direct' evidence about the complicity of these respondents was not available. Generally speaking, it would be police officials alone who can only explain the circumstances in which a person in their custody had died. Bound as they are by the ties of brotherhood, it is not unknown that the police personnel prefer to remain silent and more often than not even pervert the truth to save their colleagues, and the present case is an apt illustration, as to how one after the other police witnesses feigned ignorance about the whole matter.



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17. From our independent analysis of the materials on the record, we are satisfied that respondents 1 and 3 to 5 were definitely present at the police station and were directly or indirectly involved in the torture of Nathu Banjara and his subsequent death while the police custody as also in making attempts to screen the offence to enable the guilty to escape punishment. The trial court and the High Court, if we may say so with respect, exhibited a total lack of sensitivity and a 'could not care less' attitude in appreciating the evidence on the record and thereby condoning the barbarous third degree methods which are still being used, at some police stations, despite being illegal. The exaggerated adherence to and insistence upon the establishment of proof beyond every reasonable doubt, by the prosecution, ignoring the ground realities, the fact situations and the peculiar circumstances of a given case, as in the present case, often results in miscarriage of justice and makes the justice delivery system a suspect. In the ultimate analysis the society suffers and a criminal gets encouraged. Tortures in police custody, which of late are on the increase, receive encouragement by this type of an unrealistic approach of the Courts because it reinforces the belief in the mind of the police that no harm would come to them, if an odd prisoner dies in the lock-up, because there would hardly be any evidence available to the prosecution to directly implicate them with the torture. The Courts, must not lose sight of the fact that death in police custody is perhaps one of the worst kind of crime in a

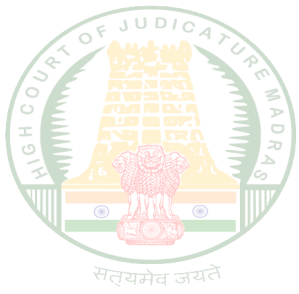


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civilised society, governed by the rule of law and poses a serious threat to an orderly civilised society. Torture in flouts the basic rights of the citizens recognised by the Indian Constitution and is an affront to human dignity. Police excesses and the mal-treatment of detainees/under trial prisoners or suspects tarnishes the image of any civilised nation and encourages the men in 'Khaki' to consider themselves to be above the law and sometimes even to become law unto themselves. Unless stern measures are taken to check the malady, the foundations of the criminal justice delivery system would be shaken and the civilization itself would risk the consequence of heading towards perishing. The courts must, therefore, deal with such cases in a realistic manner and with the sensitivity which they deserve otherwise the common man may loose faith in the judiciary itself, which will be a sad day."

19.Mr.M.Ajmal Khan, learned Additional Advocate General appearing for the State undertakes that a separate Government Order will be passed transferring the said Crime No.302 of 2025 to the Central Bureau of Investigation so as to investigate the said Crime No.302 of 2025 along with Crime No.303 of 2025.

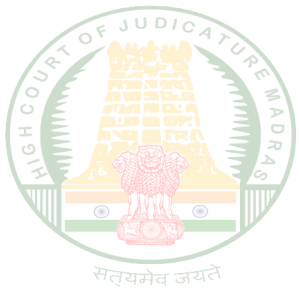


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20.The learned counsels appearing for the petitioners would submit that the investigation by the Central Bureau of Investigation may take longer time or it would increase the longevity of the case and the victim may not get justice within a reasonable period of time.

21.This Court is not expected to pre-empt such a situation, when the circumstances in the present case warrant transfer of investigation to the Central Bureau of Investigation, since the alleged perpetrators are the local police. If the trust and confidence is questioned, then the High Court is expected to interfere and ensure a fair and free investigation, which require transfer of the case from the State Police to the Central Bureau of Investigation and in the present case, the State itself has agreed to transfer and accordingly, transferred the case in Crime No.303 of 2025 and has also undertaken to transfer the other connected Crime No.302 of 2025 to the Central Bureau of Investigation.



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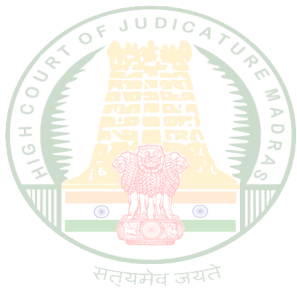
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22.This Court has carefully gone through the report of the learned IV Additional District Judge, Madurai, dated 08th July 2025. He has recorded facts, evidences and collected material evidences so as to ensure that those important evidences are not destroyed by the local police, who are all the alleged perpetrators in the crime. We are of the view that the report of the learned IV Additional District Judge, Madurai would be of an assistance to the Investigating Agency to expedite the investigation and to file a final report before the jurisdictional Court.

23.The petitioners would contend that an interim compensation is to be awarded to the family of the deceased B.Ajithkumar. In this context, this Court has to examine whether such compensation at this juncture to be granted taking note of the gravity of the allegations and based on the report of the learned IV Additional District Judge, Madurai.

24.The grant of compensation has been considered by the Supreme Court of India in the case of ***Nilabati Behera Vs. State of Orissa***

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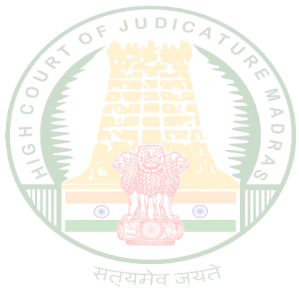
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and others [1993 (2) SCC 746]. The three Judges Bench of the Apex Court dealt with the issues.

25. In the present case, the victim has not filed any Writ Petition seeking compensation. This Court is aware that the present Writ Petitions are Public Interest Litigations filed by the activists, persons belonging to political parties and other persons. However, the State is duty bound to identify the victims and provide compensation as an interim measure.

26. We have looked into the facts as narrated by the learned IV Additional District Judge, Madurai in his report. It is an alleged gruesome attack and murder of a young person aged about 29 years working as a Guard in a Temple. Pertinently, he had no criminal antecedents nor any criminal case has been registered against him. When he was working as a Guard in a local temple and local people may be aware of his conduct, it is imminent for this Court to consider for grant of interim compensation in order to win the public confidence and trust.

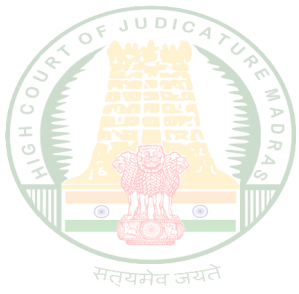


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27. The three Judges Bench of the Supreme Court of India in the case of ***Nilabati Behera Vs. State of Orissa and others [1993 (2) SCC 746]*** considered the facts including Post Mortem report and the report submitted enumerating the facts and analysed the legal position. In the case of ***Rudul Sah Vs. State of Bihar and another [MANU/SC/0380/1983]*** it was held that in a petition under Article 32 of the Constitution, the Supreme Court can grant compensation for deprivation of a fundamental right. That was a case of violation of the petitioner's right to personal liberty under Article 21 of the Constitution. Justice Chandrachud, Chief Justice, dealing with this aspect stated as under:

"13.....It is true that Article 32 cannot be used as a substitute for the enforcement of rights and obligations which can be enforced efficaciously through the ordinary processes of Courts, Civil and Criminal. A money claim has therefore to be agitated in and adjudicated upon in a suit instituted in a court of lowest grade competent to try it. But the important question for our consideration is whether in the exercise of its jurisdiction under article 32, this Court can pass an order for the payment of money if such an order

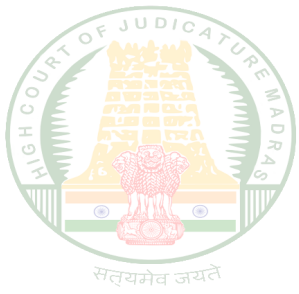


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is in the nature of compensation consequential upon the deprivation of a fundamental right. The instant case is illustrative of such cases.....

..... The petitioner could have been relegated to the ordinary remedy of a suit if his claim to compensation was factually controversial, in the sense that a civil court may or may not have upheld his claim. But we have no doubt that if the petitioner files a suit to recover damages for his illegal detention, a decree for damages would have to be passed in that suit, though it is not possible to predicate, in the absence of evidence, the precise amount which would be decreed in his favour. In- these circumstances, the refusal of this Court to pass an order of compensation in favour of the petitioner will be doing mere lip-service to his fundamental right to liberty which the State Government has so grossly violated. Article 21 which guarantees the right to life and liberty will be denuded of its significant content if the power of this Court were limited to passing orders to release from illegal detention. One of the telling ways in which the violation of that right can reasonably be prevented and due compliance with the mandate of Article 21 secured, is to mulct its violaters in the payment of monetary compensation.



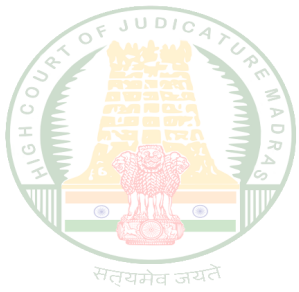
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Administrative sclerosis leading to flagrant infringements of fundamental rights cannot be corrected by any other method open to the judiciary to adopt. The right to compensation is some palliative for the unlawful acts of instrumentalities which act in the name of public interest and which present for their protection the powers of the state as shield. If Civilisation is not to perish in this country as it has perished in some others too well-known to suffer mention, it is necessary to educate ourselves into accepting that, respect for the rights of individuals is the true bastion of democracy. Therefore, the State must repair the damage done by its officers to the petitioner's rights. It may have recourse against those officers."

28.In paragraph 14 of the said Judgment in ***Nilabati Behera Vs. State of Orissa and others [1993 (2) SCC 746]*** the Apex Court observed as follows:

"14.....The later decisions of this Court proceed on the assumption that monetary compensation can be awarded for violation of constitutional rights under Article 32 or Article 226 of the Constitution, but this aspect has not been adverted to. It is,



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therefore, necessary to clear this doubt and to indicate the precise nature of this remedy which is distinct and in addition to the available ordinary processes, in case of violation of the fundamental rights.

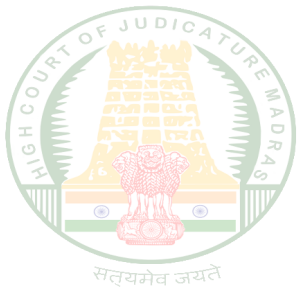
.....

16.In this context, it is sufficient to say that the decision of this Court in Kasturilal upholding the State's plea of sovereign immunity for tortious acts of its servants is confined to the sphere of liability in tort, which is distinct from the State's liability for contravention of fundamental rights to which the doctrine of sovereign immunity has no application in the constitutional scheme, and is no defence to the constitutional remedy under Articles 32 and 226 of the Constitution which enables award of compensation for contravention of fundamental rights, when the only practicable mode of enforcement of the fundamental rights can be the award of compensation.

.....

23..... Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

24.The above discussion indicates the principles on which the Court's power under Articles 32 and 226 of the Constitution is exercised to award monetary compensation for contravention of a fundamental right. This was indicated in Rudul Sah and certain further observations therein adverted to earlier, which may tend to



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WEB COPY *minimise the effect of the principle indicated therein, do not really detract from that principle.”*

In the above case also, the Supreme Court relied on the findings based on the evidences recorded by the District Judge. The Supreme Court formed an opinion that there was no reason to reject the findings of the District Judge that the petitioner's son died in police custody as a result of injuries inflicted on him.

29. Similar scenario prevails in the present case on hand. Let us now look into the injuries as per the post mortem report which is as under:

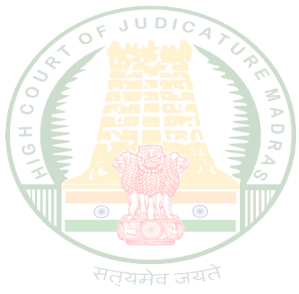
“EXTERNAL INJURIES:

1. Abrasion with dark red scab measuring 1cm x 1cm noted over right side of forehead.

2. Abrasion with dark red scab measuring 4cm x 1cm noted over right zygomatic region.

3. Abrasion with dark red scab measuring 1cm x 0.5cm noted above middle of right eyebrow.

4. Abrasion with dark red scab measuring 1 cm x 0.5cm noted over middle 1/3rd of right leg.



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5. Abrasion with dark red scab measuring 0.5cm x 0.5cm noted over back of left elbow.

6. Abrasion with dark red scab measuring 0.5cm x 0.5cm noted over back of middle 1/3rd of left forearm.

7. Abrasion with dark red scab measuring 0.5cm x 0.5cm noted over back of middle 1/3rd of left forearm.

8. Abrasion with dark red scab measuring 1cm x 1cm noted over inner aspect of left wrist.

9. Abrasion with dark red scab measuring 1 cm x 1cm noted over outer aspect of left ankle.

10. Linear abrasion with dark red scab measuring 4cm in length noted over back of upper 1/3rd of right side of chest.

11. Abrasion with dark red scab measuring 3cm x 2cm noted over right parietal eminence.

12. Red colour abrasion measuring 2cm x 2cm noted over left temporal region.

13. Horizontally, vertically and obliquely placed multiple linear parallel dark red colour contusions of varying lengths ranging from 15cm to 28cm with central paleness measuring 1.5cm and found overlapping with each other noted over outer aspect and back of right shoulder and right arm. On further dissection. The depth extend upto muscle.

14. Horizontally, vertically and obliquely placed multiple linear parallel dark red colour contusions with maximum length of



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9cm with central paleness measuring 1cm and found overlapping with each other noted over front of upper and middle 1/3rd of right leg. On further dissection: The depth extend upto muscle.

15. Horizontally, vertically and obliquely placed multiple linear parallel dark red colour contusions of varying lengths ranging from 17cm to 23cm with central paleness measuring 2.5cm and found overlapping with each other noted over outer aspect of left shoulder and arm. On further dissection: The depth extend upto muscle.

16. Horizontally, vertically and obliquely placed multiple linear parallel dark red colour contusions with maximum length of 18cm with central paleness measuring 1cm and found overlapping with each other noted over outer aspect of front of lower 1/3rd of left thigh. On further dissection: The depth extend upto muscle.

17. Horizontally, vertically and obliquely placed multiple linear parallel dark red colour contusions with maximum length 22cm with central paleness measuring 2cm and found overlapping with each other noted over front, inner and outer aspect of upper and middle 1/3rd left leg. On further dissection: The depth extend upto muscle.

18. An obliquely placed parallel linear dark red colour contusion of length measuring 15cm with central paleness measuring 1.5cm noted over outer aspect of middle 1/3rd of right



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forearm. On further dissection: The depth extend upto muscle.

19. Horizontally placed dark red colour linear parallel contusion measuring 7cm in length with central paleness 2cm noted over front of middle 1/3rd of right thigh. On further dissection: The depth extend upto muscle.

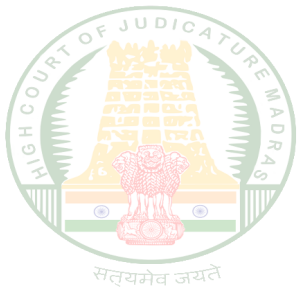
20. An obliquely placed linear parallel dark red colour contusion measuring 11cm in length with central paleness measuring 1.5cm noted over outer aspect of middle of left side of chest. On further dissection. The depth extend upto muscle.

21. Vertically placed linear parallel dark red colour contusion measuring 3cm in length with central paleness measuring 1cm noted over back of right lower chest. On further dissection: The depth extend upto muscle.

22. An obliquely placed linear parallel dark red colour contusion measuring 10cm in length with central paleness 1.5cm noted over back of right upper chest. On further dissection: The depth extend upto muscle.

23. Dark red colour linear parallel contusion measuring 7cm in length with central paleness measuring 1cm noted over back of middle of left thigh. On further dissection: The depth extend upto muscle.

24. Dark rod colour linear parallel contusion measuring 9cm in length with central paleness measuring 1.5cm noted over back of left knee. On further dissection. The depth extend upto muscle.



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25. *Linear parallel dark red colour contusion measuring 7cm in length with central paleness measuring 1cm noted over back of left lumbar region. On further dissection. The depth extend upto muscle.*

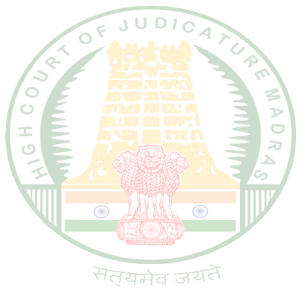
26. *Horizontally placed linear parallel dark red colour contusion measuring 6cm in length with central paleness measuring 1.5cm noted over outer and back of middle 1/3rd of right leg. On further dissection: The depth extend upto muscle.*

27. *An obliquely placed linear parallel dark red colour contusion measuring 12cm in length with central paleness measuring 1.5cm noted over back of upper 1/3rd of left leg. On further dissection: The depth extend upto muscle.*

28. *An obliquely placed linear parallel dark red colour contusion measuring 8cm in length with central paleness measuring 1.5cm noted over back of tipper 1/3rd of right leg. On further dissection: The depth extend upto muscle.*

29. *Horizontally placed linear parallel dark red colour contusion of length 7cm with central paleness measuring 1cm noted over back of right mid abdomen, 2cm away from midline. On further dissection. The depth extend upto muscle.*

30. *Horizontally placed linear parallel dark rod colour contusion of length 6cm with central paleness measuring 1cm noted over hack right mid abdomen, 3cm away from midline. On further dissection. The depth extend upto muscle.*



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31. *Horizontally placed linear parallel dark red colour contusion of length 5cm with central paleness measuring 1cm noted over back of right lower abdomen, 6cm away from midline. On further dissection: The depth extend upto muscle.*

32. *Horizontally placed dark red colour contusion measuring 8cm x 3cm x muscle deep noted over outer aspect of upper 1/3rd of right thigh.*

33. *Dark red colour contusion measuring 5cm x 4cm x muscle deep noted on inner aspect of lower 1/3rd of right forearm.*

34. *Dark red colour contusion measuring 10cm x 7cm x muscle deep noted over palmer aspect of right hand.*

35. *Vertically placed dark red colour contusion of size 10cm x 5cm x muscle deep noted over outer aspect of middle and lower part of right thigh.*

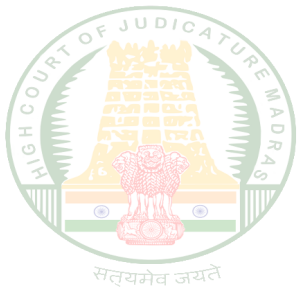
36. *Dark red colour contusion measuring 9cm x 5cm x muscle deep noted over palmer aspect of left hand.*

37. *Dark red colour contusion measuring 12cm x 8cm x muscle deep noted over front of middle 1/3rd of left foot.*

38. *Dark red colour contusion measuring 10cm x 9cm x muscle deep noted over front of middle 1/3rd of right foot.*

39. *An obliquely placed dark red colour contusion measuring 8cm x 3cm x muscle deep noted over back of middle 1/3rd of left side of chest.*

40. *"C" shaped dark red colour abraded contusion*



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measuring 5cm x 0.5cm x muscle deep noted over back of right mid abdomen.

41. Dark red colour contusion measuring 4cm x 1cm x muscle deep noted over back of right mid abdomen.

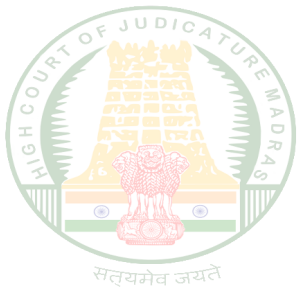
42. Dark red colour contusion measuring 16cm x 7cm x muscle deep noted over back of right shoulder and right scapular region.

43. Dark red colour contusion measuring 14cm x 10cm x muscle deep noted over back of left shoulder and left scapular region.

44. Note: Multiple superficial surface incisions made all over the body reveals dark red colour contusions over the following region:

- 12cm x 8cm x muscle deep on inner aspect of right arm.*
- 12cm x 8cm x muscle deep on front of right knee*
- 12cm x 13cm x muscle deep on front of left knee*
- 6cm x 4cm x muscle deep on sole of right foot.*
- 20cm x 6cm x subcutaneous deep on right gluteal.*
- 10cm x 4cm x subcutaneous deep on left gluteal.”*

30.The report of the learned IV Additional District Judge, Madurai also reveals that it is a case of a custodial death and the State itself has registered a case against five policemen and five policemen and the



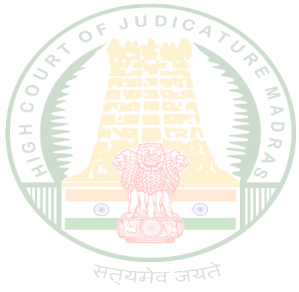
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Deputy Superintendent of Police have been placed under suspension and the Superintendent of Police was kept under compulsory wait list. The State conceded before this Court that it is a custodial death. That has been recorded by this Court in its earlier order dated 01.07.2025. Since the State conceded that it is a custodial death and registered a criminal case for murder against five policemen and all those five policemen are arrested and remanded to judicial custody, there is no reason to deny compensation to the victims.

31. In view of the above discussions, this Court is inclined to pass the following orders:

(i) The Director, Central Bureau of Investigation, New Delhi is directed to appoint an Investigating Officer along with required number of team of officials within a period of one week from today.

(ii) The Investigating Officer to be appointed by the Central Bureau of Investigation is directed to collect the report of the



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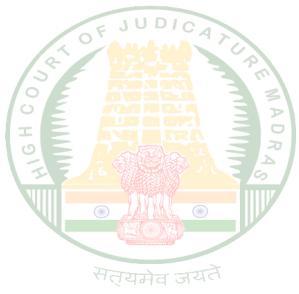
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learned IV Additional District Judge, Madurai, material evidences, the records and documents etc., from the Registrar (Judicial), Madurai Bench of Madras High Court, Madurai.

(iii) The Investigating Officer is directed to collect the report from the jurisdictional Magistrate to proceed with the investigation.

(iv) All material evidences collected and the documents available can be received by the Investigating Officer for the purpose of conducting effective investigation without causing any undue delay.

(v) The Investigating Officer to be appointed by the Central Bureau of Investigation is directed to complete the investigation in all respects and file a final report before the jurisdictional Court **on or before 20.08.2025**.



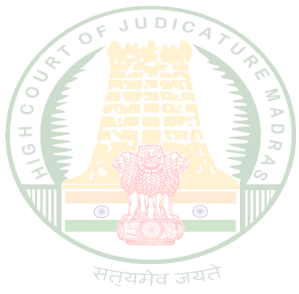
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(vi) Regarding grant of interim compensation to the victim, the learned Additional Advocate General made a submission that he will secure necessary instructions from the State since a free house site patta has been granted in favour of the mother of the deceased and a compassionate appointment has been provided to the brother of the deceased.

(vii) The Director General of Police is directed to ensure that the Forensic Science report has been filed before the Court concerned within a period of one week from today.

(viii) The Inspector General of Police, South Zone, Madurai; the District Superintendent of Police (Rural), Madurai; the District Superintendent of Police, Sivagangai; the District Collector, Madurai and the District Collector, Sivagangai are directed to provide all necessary assistance including vehicles and manpower to the Investigating officials of Central Bureau of Investigation, at their



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request and provide all further assistance for effective investigation of the case on hand.

(ix) The Government of Tamil Nadu is directed to issue appropriate orders transferring Crime No.302 of 2025 to the Central Bureau of Investigation and publish the order in the Tamil Nadu Government Gazette immediately.

(x) The Government of Tamil Nadu is directed to provide necessary protection to the witnesses under the Witness Protection Scheme.

32.List the matter for considering the action taken on
22.07.2025.

[S.M.S.,J.] & [A.D.M.C.,J.]
08.07.2025

NCC : Yes / No

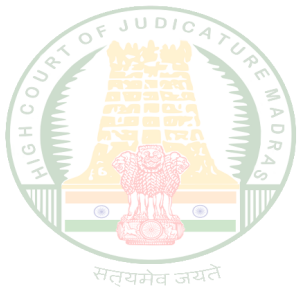
Index : Yes / No

Internet : Yes

Note to Office:

(a) Issue order copy today (08.07.2025).

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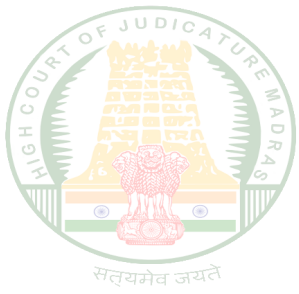
(b) Mark a copy of this order to the followings:

- 1.The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.
- 2.The Inspector General of Police,
South Zone, Madurai.
- 3.The District Superintendent of Police (Rural),
Madurai.
- 4.The District Superintendent of Police,
Sivagangai.
- 5.The District Collector,
Madurai.
- 6.The District Collector,
Sivagangai.

To:

- 1.The Home Secretary,
Office of the Home Secretary,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Director General of Police,
Officer of the Director General of Police,
Head of Police Force, Government of Tamil Nadu,
Dr.Radhakrishana Salai,
Mylapore, Chennai – 600 004.

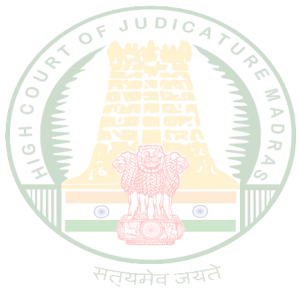
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- 3.The Additional Director General of Police,
Office of the Additional Director
General of Police (ADGP),
Crime Branch Crime Investigation
Department (CBCID),
No.220, Pantheon Road,
Egmore, Chennai – 8.
- 4.The Inspector General of Police,
Office of the Inspector General of Police,
South Zone, Madurai,
Madurai District.
- 5.The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District.
- 6.The Superintendent,
Government Hospital,
Thirupuvanam,
Sivaganga District.
- 7.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thirupuvanam Sub Division,
Sivagangai District.
- 8.The Inspector of Police,
Thirupuvanam Police Station,
Sivagangai District.



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9.The Dean,

Government Rajaji Government Hospital, Goripalayam,
Madurai District.

10.The Assistant Commissioner

/Executive Officer (HR & CE),
Bhadrakali Amman Temple,
Madapuram Temple,
Sivagangai District.

11.The Joint Director cum Head of Zone,

Central Bureau of Investigation,
3rd Floor, EVK Sampath Building,
College Road, Chennai – 06.

12.The Chief Secretary to

the Government of Tamil Nadu,
Secretariat, Fort St.George, Chennai – 600 009.

13.The Additional Chief Secretary to

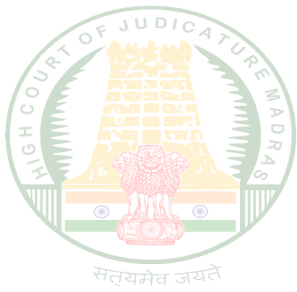
the Government of Tamil Nadu,
Department of Home, Prohibition and Excise,
Secretariat, Fort St.George,
Chennai – 600 009.

14.The Secretary to Government,

Ministry of Home Affairs,
Government of India, North Block, New Delhi – 110 001.

15.The Director,

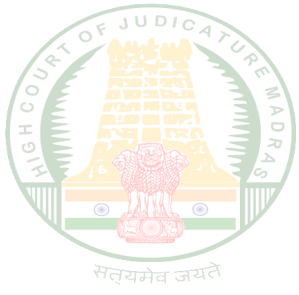
Central Bureau of Investigation,
6th Floor, Lodhi Road, Plot No.5-B,
Jawaharlal Nehru Stadium Marg,
CGO Complex, New Delhi – 110 003.



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16. The Chairman,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block – C, GPO Complex, INA,
New Delhi – 110 023.
17. The Principal Secretary,
Home Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.
18. The Director General of Police,
Office of the Director General of Police,
Post Box No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.
19. The Deputy Superintendent of Police,
CBCID,
No.23, Tirupathur Road,
(Opp.to Court Building),
Sivaganga HO,
Sivagangai-630 561.
20. The Principal Secretary,
Health and Family Welfare Department,
State of Tamil Nadu,
Secretariat, Fort St.George, Chennai-600 009.
21. The Director General of Police,
Office of the Director General of Police,
Chennai.



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22. The Joint Director.

Central Bureau of Investigation,
3rd Floor, Sastri Bavan,
Nungampakkam, Chennai.

23. The Additional Director General of Police,
Office of the Additional Director General of Police,
Crime Branch CID,
No.220, Old Commissioner of Police Complex,
Pantheon Road, Komaleeswaranpet,
Egmore, Chennai-600 008.

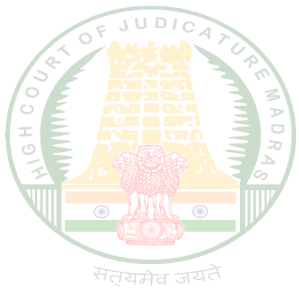
24. The Joint Director.

Central Bureau of Investigation,
73, Athikulam Main Road,
Palanisamy Nagar,
Ramnad Reserve Line,
Athikulam, Madurai-625 007.

25. The District Collector,
Office of the District Collector,
Sivagangai District.

26. The Dean,
Government Rajaji Hospital,
Madurai District.

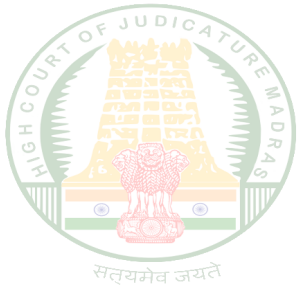
27. The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai, Sivagangai District.



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28. The Inspector of Police,
Office of the Inspector of Police,
Crime Branch CID,
Sivagangai District.
29. The Home Secretary,
Government of Tamil Nadu,
Secretariat, St. George Fort,
Chennai – 600 009.
30. The Director General of Police,
DGP Office,
Chennai.
31. The Inspector General of Police,
South Zone,
Madurai District.
32. The Superintendent of Police,
Sivagangai District,
Sivagangai.
33. The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.
34. The Inspector of Police,
Thirupuvanam Police Station,
Thirupuvanam, Sivagangai District.



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**S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.**

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**ORDER MADE IN
W.P(MD)Nos.17949, 17975, 17976,
18034, 18035 & 18443 of 2025**

DATED : 08.07.2025