

W.P.(MD) No.17949, 17975 & 17976 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2025

CORAM:

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

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

For W.P(MD)NO.17949 of 2025

E.Marees Kumar

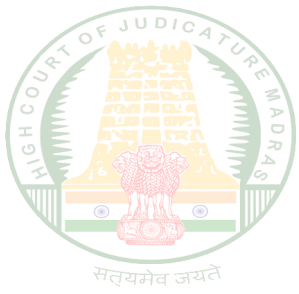
... Petitioner

-vs-

1.The Chief Secretary to 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.

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



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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.

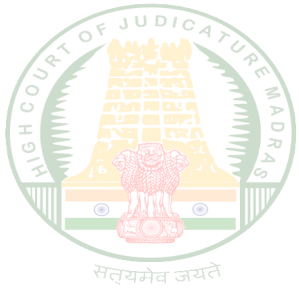
7.The Chairman,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block – C, GPO Complex, INA,
New Delhi – 110 023.

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

... Respondents

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



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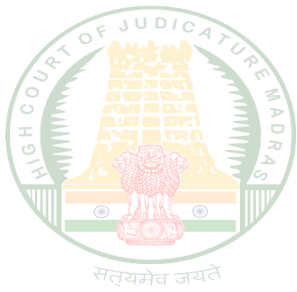
interim compensation of Rs.50,00,000/- (Rupees Fifty Lakhs) payable immediately to the family members of B.Ajithkumar.

(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 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 (R1 & R2)
Government Pleader

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

For W.P(MD)NO.17975 of 2025

Karthickraja

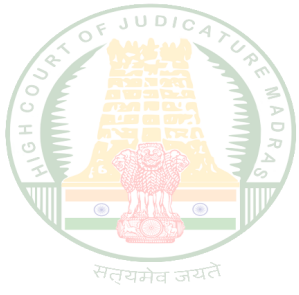
... Petitioner

-VS-

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

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.

3.The Additional Director General of Police,
Officer of the Additional Director General of Police (ADGP)
Crime Branch Crime Investigation Department (CBCID)
No.220, Pantheon Road,



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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.

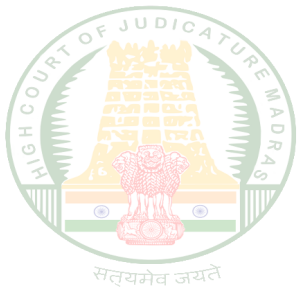
6.The Superintendent,
Government Hospital,
Thirupuvanam,
Sivaganga District.

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.

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.



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W.P.(MD) No.17949, 17975 & 17976 of 2025

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus to direct the respondents 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 (R1, R6 & R9)
Government Pleader

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

: Mr.P.Subbaraj (R10)
Special Government Pleader

For W.P(MD)NO.17976 of 2025

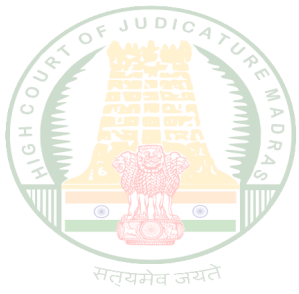
D.Pandidurai

... Petitioner

-vs-

1.The Government of Tamil Nadu,
Rep by its Home Secretary,
Secretariat, Chennai.

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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.

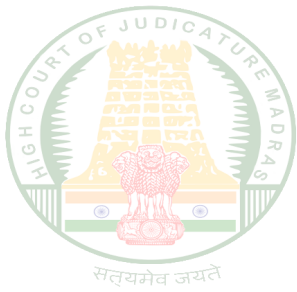
5.The Inspector of Police,
Thirupuvanam Police Station,
Sivagangai.

6.The Executive Officer,
MadapuramBhadrakali Amman Temple,
Madapuram,
Sivagangai District.

...Respondents

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



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For Respondents : Mr.P.Thilak Kumar (R1)
Government Pleader

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

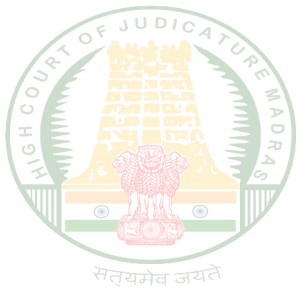
: Mr.P.Subbaraj (R6)
Special Government Pleader

COMMON ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The facts narrated on behalf of the petitioners are disturbing the conscious of this Court. Actions taken by the State found to be not in commensuration with the gravity of the situation. Certain actions by the State if appears to cover up the misdeeds, then the Courts cannot accept the same but to initiate efforts to conduct further probe into the matter.

2.The custodial death is violative of fundamental right of a person. Despite the international conventions and prescription of procedures in the case of ***D.K.Basu Vs. State of West Bengal*** reported in ***1997 (1) SCC 416***

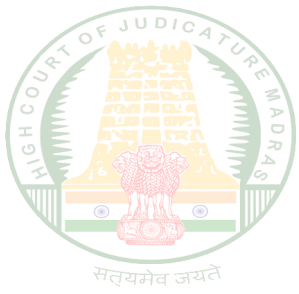


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and subsequent catena of judgment, still custodial deaths are reported which is a concern to the public. The procedures for receiving complaint, registration of cases, conducting investigation though codified and guidelines are issued, violations are equally dominating, which would show the mind set of the police officials, which require stern action. The police officials are basically to protect the life of the people and therefore, custodial deaths are viewed seriously by the Courts.

3.In the present case, enormous procedural violations are brought before this Court, which all are to be examined at the first instance and taking note of the urgency and considering the fact that there is likelihood of destruction of evidences, the learned Judicial Magistrate, Thiruppuvanam is directed to submit an immediate preliminary report to this Court today i.e., on 01.07.2025 at 03.00pm. The Executive Officer, Madapuram Pathirakali Amman Temple and one Saktheeswaran, who is an eyewitness and also who took the videograph of alleged torture by the police inside the temple, who is reportedly standing outside the High Court premises are also directed to be present before this Court today.



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4.The Dean, Rajaji Government Medical Hospital, Madurai, is directed to furnish the copy of the post-mortem report today i.e., on 01.07.2025 at 03.00pm before this Court.

5.List the cases today i.e., on 01.07.2025 at 03.00 p.m.

[S.M.S., J.]

[A.D.M.C., J.]

01.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

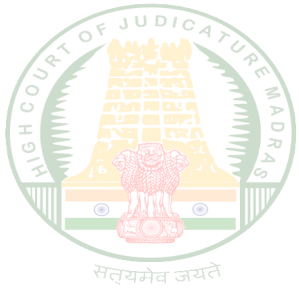
LR

To:

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2.The Additional Chief Secretary to
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Sivagangai – 630 562.

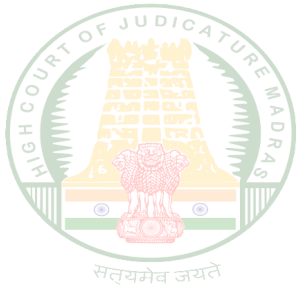
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6.The Director,
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Jawaharlal Nehru Stadium Marg,
CGO Complex, New Delhi – 110 003.

7.The Chairman,
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Manav Adhikar Bhawan,
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New Delhi – 110 023.

8.The Inspector of Police,
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9.The Home Secretary,
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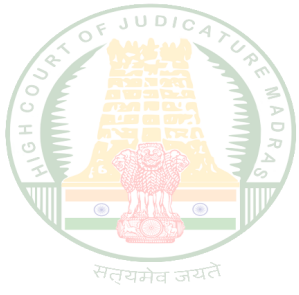
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13.The Superintendent of Police,
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14.The Superintendent,
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15.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thirupuvanam Sub Division,
Sivagangai District.

16.The Inspector of Police,
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17.The Dean,
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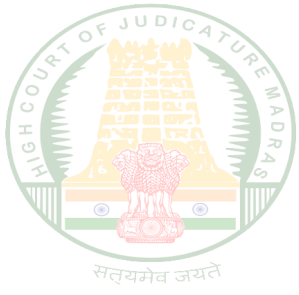
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College Road, Chennai – 06.

Copy to

The Judicial Magistrate,

Thiruppuvanam.



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

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