

Suspicious withdrawal of custodial death plea: HC seeks counter

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EXPRESS ILLUSTRATION

By Express News Service

MADURAI: The Madurai Bench of Madras High Court on Saturday sought counter affidavits on the suo motu proceedings initiated over the suspicious withdrawal of the custodial death case of a 22-year-old man. A division bench of Justices TS Sivagnanam and S Ananthi sought counter affidavits from the victim's father, Muthukaruppan, who withdrew the petition, and four more persons Athi Narayanan, Kathir, Ramesh and Yoganathan- who allegedly coerced him to withdraw the petition.

The judges observed that Muthukaruppan had filed a petition seeking justice for his son. He had raised allegations against a State machinery and even got interim relief through an urgent hearing on a holiday, the judges pointed out.

Hence, he cannot suddenly retract from his submissions, and withdraw his petition claiming that it was filed by him in private capacity and he has the right to withdraw it, the judges remarked. “Though it may not have been a public interest litigation, the petition alleged police excess and hence it involves public interest,” they opined.

Also, taking note of the audio recording produced before the court alleging the involvement of the aforementioned four persons in the issue, the judges suo motu impleaded them and sought response. The case was adjourned to June 14. Muthukaruppan had approached the court in October 2019 claiming that his son Balamurugan died due to injuries sustained during the custodial torture at the Avaniyapuram Police Station in Madurai.

However, he changed his advocate and withdrew the petition a month later. Advocate Henri Tiphagne, who had previously argued for Muthukaruppan, sent a letter to the court alleging that Muthukaruppan was threatened into withdrawing the case by the relatives of the policemen responsible for his son’s death. The court took suo motu cognisance of the letter in 2020.