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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20-11-2026

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

CRL OP(MD) No. 26462 of 2026

CNR:{HCMD011658072026}

AND

CRL MP(MD) Nos. 24590 & 24593 of 2026

Sudha
W/o.Late Balakrishnan,
No.80/4, Alagarnayakkanpatti West Street,
Lakshma Nayakapatti Post, Thevaram,
Uthamapalayam Taluk,
Theni District 625 530.

..Petitioner(s)

Vs

1. The State of Tamilnadu
   Rep by The Superintendent of Police,
   Office of the Superintendent of Police,
   Madurai District.

2. The Deputy Superintendent of Police
   Usilampatti Subdivision,
   Madurai District.

3. The Inspector Of Police,
   Checkanurani Police Station,
   Madurai District.

4. The Inspector Of Police,
   Valandur Police Station,
   Madurai District.

5. The Inspector Of Police,
   Usilampatti Town Police Station
   Madurai District.

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6. The Inspector Of Police,
Usilampatti Taluk Police Station
Madurai District.

7. The Superintendent of Police
Office of the CBCID South Zone, Madurai,
No.7 Kamaraj Nagar 2nd Street,
Chinna Chockkikulam,
Madurai 625002. ..Respondent(s)

PRAYER: This Petition filed under section Petition u/s 528 of BNSS to direct the Respondents Nos.3 to 7 to preserve the CCTV footage (audio and video) recorded on all CCTV cameras at the above Police Stations for the above periods, showing the entry, detention and exit of the petitioner's husband, Balakrishnan from each of the police stations above referred, and provide a copy to the petitioner based on her representation dated 15.11.2026, within a stipulated time that may be fixed by this Court.

For Petitioner(s) :Mr.HENRI PATRICK TIPHANGE

For Respondent(s) :Mr.P.SAMUEL GUNASINGH,
ADDL.PUBLIC PROSECUTOR

ORDER

This Criminal Original Petition has been filed seeking a direction to respondents 3 to 7 to preserve the CCTV footage (audio and video) recorded on all the CCTV cameras at the police stations of respondents 3 to 6, for the periods mentioned in the petition, showing the entry, detention and exit of the petitioner’s husband at each of those police stations, and to furnish a copy of the same to the petitioner on the basis of

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her representation dated 15.11.2026, within a stipulated time.

(A) The averments in the petition are as follows:

2. The petitioner's husband was a lorry driver by profession. On 03.11.2026, at about 2.30 a.m., while he was driving a lorry loaded with sacks of cardamom from Thevaram to Madurai, the lorry caught fire near the Valandur cremation ground on the Usilampatti–Theni Road. The petitioner's husband (the deceased) attempted to put out the fire and recorded a video of the incident on his mobile phone. Several sacks of goods were destroyed. The deceased is said to have called the petitioner and informed her about the incident.

3. It is further averred that, on the same day, the petitioner's husband lodged a complaint before the 4th respondent police and promptly informed the owner of the vehicle. It is stated that the petitioner's husband had no criminal antecedents, and that the family is unaware of what has happened to the lorry since then or where it is presently kept.

4. It is further averred that, on the morning of 12.11.2026, the owner of the vehicle called her husband over the phone and asked him to go and meet the 3rd respondent police. Her husband was not aware that the FIR had not been registered until the night of 13.11.2026. Accompanied by the petitioner, her husband went to the

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Checkanurani Police Station on 12.11.2026 and was questioned from 11.00 a.m. till close to midnight, after which he returned home along with the petitioner. During the preliminary enquiry, the police are said to have examined the mobile phone of the deceased and returned it to him. It is further averred that the petitioner came to know that his employer had lodged a complaint with the Superintendent of Police, but no FIR has been registered on the said complaint. It is further averred that the questioning by the respondent police resumed on 13.11.2026. Her husband called her from Usilampatti, stating that he had gone to the police station there and had been asked to proceed to the Checkanurani Police Station. The petitioner alleges that her husband was taken successively to the Valandur, Usilampatti and Checkanurani Police Stations.

5. It is further averred that, on 13.11.2026, her husband was detained at the Checkanurani Police Station beyond midnight and was never furnished with a copy of the FIR in Crime No.113 of 2026 of the Valandur Police Station. Over the phone, he informed the petitioner that he was being made to wait because the Investigating Officer had not yet arrived. On the morning of 14.11.2026, the petitioner received a call from the police station informing her that

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her husband had committed suicide and had been rushed to the Government Rajaji Hospital.

6. It is further averred that her husband appears to have died inside the police station while under the control and supervision of the 3rdrespondent police, and that he died in police custody solely on account of torture and ill-treatment at the hands of the 3rd respondent police, which caused him severe physical and mental suffering. The post-mortem was completed at 11.00 p.m. on 14.11.2026, and the post-mortem report was handed over to her. A careful perusal of the report reveals certain injuries on the body of the deceased: there are multiple contusions on the back of the chest and abdomen and over the right shoulder, and there are also three puncture marks on the right side of the neck. Therefore, according to the petitioner, there is sufficient material to show that her husband was subjected to physical torture at the hands of the police prior to his death, notwithstanding the ligature mark described in the report as leaving a gap of 16 cm.

7. It is stated that the petitioner subsequently came to know that the investigation has been transferred to the CBCID. On the above allegations, the present petition has been filed along with two petitions seeking interim directions.

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8. Crl.MP(MD) No.24590 of 2026 has been filed seeking an interim direction to respondents 1 and 2 to take immediate steps to preserve the photographs and videos of the petitioner's husband in the toilet, taken before his body was removed from there.

9. When the matter came up for hearing on 17.11.2026, the learned Additional Public Prosecutor submitted, with regard to the above interim prayer, that the police are not in possession of any photographs of the deceased in the toilet. Hence, the said interim direction was not granted.

10. The petitioner has also filed Crl.MP(MD) No.24593 of 2026 seeking an interim direction to respondents 1 and 2 to take immediate steps to preserve the CCTV footage (audio and video) recorded on all the CCTV cameras at the four police stations during the timings mentioned in the said petition. By order dated 17.11.2026, this Court allowed the said petition and directed the respondent police to produce two copies of the footage, along with the certificate under Section 63 of the BSA, in a sealed cover. However, this Court did not pass any order on the question whether a copy of the entire footage is to be furnished to the petitioner.

11. In compliance with the order of this Court dated 17.11.2026, two copies of the raw footage, along with the certificate required

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under Section 63 of the BSA, 2023, have been placed before this Court in a sealed cover. By a separate order, this Court has directed the Registrar (Judicial) to preserve the CCTV footage, recorded on a hard disk, until further orders.

(B) Submissions of the counsel on either side:

12. Today, the learned counsel on either side made their submissions on the question whether the petitioner is entitled to a copy of the CCTV footage secured and preserved by the respondent police.

13. The learned counsel for the petitioner submitted that, though a complaint was lodged by the petitioner's husband (the deceased) on 04.11.2026, an FIR was registered only on 13.11.2026. The deceased was present in the police station as a complainant and not as an accused, and no complaint has been lodged by anyone against the petitioner's husband. The learned counsel further submitted that the deceased, though only a complainant, was needlessly detained in the police station throughout the night, and that he died in police custody solely on account of torture and ill-treatment at the hands of the respondent police.

14. The learned counsel for the petitioner further submitted that the petitioner, as the widow of the deceased, wishes to know the

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manner in which her husband was treated inside the police station and the circumstances that led to his death. He further submitted that, apart from pursuing their remedy before the Criminal Court, the family also intends to proceed against the officials concerned before the Human Rights Commission and other fora. In such circumstances, unless a copy of the relevant CCTV footage is furnished to the petitioner, they would not be in a position either to guide the course of the investigation in the criminal case or to initiate appropriate proceedings before the said statutory fora.

15. Per contra, the learned Additional Public Prosecutor appearing for the respondent police, relying upon Section 106(3) of the BNSS, contended that the seized CCTV footage is required to be produced only before the jurisdictional Magistrate. He also relied upon Section 8(1)(h) of the Right to Information Act, 2005, which exempts from disclosure any information that would impede the process of investigation or the apprehension or prosecution of offenders. According to him, permitting a copy of the CCTV footage to be handed over to the petitioner while the investigation is pending, particularly in a sensitive case such as this, would clearly impede the investigation.

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16. The learned Additional Public Prosecutor further contended that the video footage is likely to be tampered with or doctored and circulated on social media, so as to create unrest and a law and order problem in the State. Similar incidents have already occurred in the State of Tamil Nadu. The petitioner would be entitled to a copy of the CCTV footage as and when the trial commences. Furnishing the footage to the petitioner before that stage would only impede the investigation and may help the real accused escape from the clutches of law, particularly if it is used as a political tool.

17. The learned Additional Public Prosecutor further submitted that, instead of being used for any legal purpose, the CCTV footage is likely to be published on social media platforms, followed by press meets, in order to divert the course of the investigation, which would ultimately benefit only the real accused. He further contended that this would set a precedent whereby, in every case, the accused or the complainant would seek a copy of the CCTV footage during the pendency of the investigation, which would not only disrupt the investigation but also enable the real accused to escape. He further submitted that the respondents do not object to furnishing a copy of the CCTV footage as such, but only to the stage at which such a copy may be handed over to the petitioner. In fact, the petitioner

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would always be entitled to a copy of the said footage after the final report is filed. What the investigating agency opposes is only the handing over of the CCTV footage to anyone connected with the case while the investigation is in progress.

18. Heard the learned counsel on either side and perused the materials on record.

(C) Discussion:

19. In the present case, the deceased, a lorry driver, is said to have been subjected to an enquiry in Crime No.113 of 2026, which was registered by the 4th respondent police on 13.11.2026 as a "Non-Act (Accidental Fire)" case. After the death of the petitioner's husband, an FIR was registered in Crime No.541 of 2026 on 14.11.2026 under Section 196(2)(a) of the BNSS, 2023, with the accused column left blank.

20. It is not known why a complainant was made to wait throughout the night at the 3rd respondent police station. A complainant, as a reasonable person, would have no occasion whatsoever to commit suicide inside a police station. Though it is alleged that certain complaints were lodged by the employer of the deceased, no FIR has been registered on those complaints. In such circumstances, whether the death of the deceased was a suicide or

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was the result of the alleged torture or ill-treatment at the hands of the 3rd respondent police is a matter requiring further investigation.

21. This Court cannot lose sight of the fact that the post-mortem report reveals certain injuries on the body of the deceased. In such circumstances, the CCTV footage already secured and preserved by the respondent police alone could throw light on the direction of the investigation, particularly for the family members of the deceased.

22. Under the statutory provisions, any property seized during an investigation is required to be reported to the jurisdictional Magistrate in Form 91, along with the seized property.

23. The learned Additional Public Prosecutor relied upon Section 8(1)(h) of the RTI Act, 2005, and contended that no information which would impede the process of investigation can be disclosed. This Court is exercising its powers under Section 528 of the BNSS, and is not acting as a Public Information Officer under the RTI Act; hence, it is not bound by the exemptions provided under that Act. Therefore, such an argument is noted only to be rejected.

24. The learned Additional Public Prosecutor further contended that if a copy of the CCTV footage is handed over, instead of serving to guide and inform the family members about the investigation, it is

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likely to fall into the hands of undesirable persons who may tamper with or doctor the footage, causing unrest and affecting public order. He further contended that none of the judgments cited by the learned counsel for the petitioner provides for furnishing a copy of CCTV footage; all of them speak only of securing and preserving CCTV footage during the investigation, ultimately to be handed over to the trial Court.

25. This Court cannot brush aside the argument of the learned Additional Public Prosecutor that, if a copy of the CCTV footage is furnished to the family of the victim, it may be tampered with, circulated or used for political purposes by undesirable elements. However, the right of the victim's family to keep track of the progress of the investigation by viewing the CCTV footage, without recording it, cannot be faulted.

26. CCTV footage from cameras installed and maintained in a police station stands on a footing distinct from CCTV footage collected from external sources during an investigation, for the following reasons:

a) Police station CCTV footage is a contemporaneous institutional record intended, inter alia, to ensure transparency and accountability in the exercise of police powers. In cases involving

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custodial death, such footage may constitute material evidence regarding the circumstances of the detention and the conduct of the police personnel.

b) In such cases, the police themselves are the suspects or the subjects of the inquiry, which creates an inherent conflict of interest.

c) Police station CCTV records the conduct of the police themselves; its purpose is to secure accountability under Article 21 of the Constitution of India. In a case of custodial death, where the police are the suspects, such footage is governed by special considerations. By contrast, CCTV footage seized during an ordinary investigation is merely evidence collected by the police against an accused.

d) In a custodial death case, police station CCTV footage is not merely “another seized document”. It is a record created by the very authority whose conduct is in question, covering the entry, detention, interrogation, movement, medical attention and final moments of the deceased.

e) The directions issued by the Hon’ble Supreme Court in ***Paramvir Singh Saini v. Baljit Singh, (2021) 1 SCC 184***, at paragraphs 18 to 22, recognise the necessity of securing such footage in cases involving violations of human rights. Consequently, the

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request of the victim's family cannot be rejected merely by treating the footage as an ordinary document collected during an investigation.

27. This Court has to balance the fairness of the investigation against the rights of the victim's family, particularly when the alleged occurrence took place inside a police station during the investigation of a criminal case. Ordinarily, a request for a copy of CCTV footage connected with the investigation of a criminal case would not be permissible until the stage of filing of the final report is reached. However, in cases where the investigating agency itself is accused of the crime and the entire incident is said to have taken place inside the police station, the family of the victim can be permitted at least to view the footage from the CCTV cameras which are installed in the police station pursuant to the directions of the Hon'ble Supreme Court. Otherwise, the very purpose of installing CCTV cameras inside police stations would be rendered futile.

28. The learned Additional Public Prosecutor further submitted that, in case this Court is inclined to permit the petitioner to view the CCTV footage, an Advocate should not be permitted to accompany her. This Court is not inclined to accept the said objection. The allegations relate to custodial torture resulting in custodial death, and

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the petitioner is likely to approach the Human Rights Commission as well. In such circumstances, violations of human rights, if any, could be identified only by a legally trained person accompanying the family members of the victim. Therefore, the said contention is liable to be rejected.

(D) Conclusion:

29. In view of the foregoing discussion, this Court is inclined to pass the following directions:

a) The petitioner, along with her sister, Jeya, and the brother of the deceased, Manikandan, shall be permitted to view the CCTV footage of the four police stations, recorded for the periods mentioned in the petition, at 10.00 a.m. on 23.11.2026 at the office of the 7th respondent police.

b) One Advocate representing the petitioner shall be permitted to accompany her. The petitioner, her family members and the Advocate accompanying them shall leave their electronic devices outside the room in which they view the CCTV footage. It is made clear that no form of recording is permitted.

c) A technical staff member from the office of the 7th respondent shall be made available in the hall to assist the petitioner.

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d) The permission granted to the petitioner and others is solely for the purpose of satisfying themselves as to the line and direction of the investigation. What they view may be used only for approaching a statutory forum. No press meet or public debate shall follow the viewing of the CCTV footage.

e) It is made clear that this order is passed only in view of the fact that the case relates to alleged custodial torture/custodial death, and the same shall not be cited as a precedent in other cases.

30. With the above observations, this Criminal Original Petition stands disposed of. Consequently, the connected miscellaneous petitions are closed.

20-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
msa

To
1. The Superintendent of Police
   Office of the Superintendent of Police
   Madurai District

2. The Deputy Superintendent of Police
   Usilampatti Subdivision
   Madurai District

3. The Inspector Of Police,

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Checkanurani Police Station
Madurai District

4. The Inspector Of Police,
   Valandur Police Station
   Madurai District

5. The Inspector Of Police,
   Usilampatti Town Police Station
   Madurai District

6. The Inspector Of Police,
   Usilampatti Taluk Police Station
   Madurai District

7. The Superintendent of Police
   Office of the CBCID South Zone, Madurai
   No.7 Kamaraj Nagar 2nd Street
   Chinna Chockkikulam
   Madurai 625002

8. The Additional Public Prosecutor
   Madurai Bench of Madras High Court
   Madurai

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