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WP No. 12471 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MR.JUSTICE E.MANOHARAN

WP No. 12471 of 2011

and

M.P.No.2 of 2011

A.Kannan,
The Sub Inspector Of Police,
Kundrathur Police Station,
Presently at Sub Inspector of Police,
Red Hills Police Station, Chennai.

..Petitioner(s)

Vs.

1. The Secretary To Government,
Home Department,
Government of Tamil Nadu,
Chennai.
2. The Secretary,
Energy Department,
Government of Tamil Nadu,
Chennai
3. The Chairman,
Tamil Nadu Electricity Board,
Chennai.
4. Mr.Marimuthu,
Junior Engineer,
41, Pooncholai Street,
Kumanansavadi,
Chennai-56.



5. K.Jahir Hussain,
30/71, Gangai Amman Koil Street,
Puthu Vattaram,
Kundrathur, Chennai-69.

..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in SHRC No.10223/2007 and quash the order dated 03.02.2011 pronounced by the Human Rights Commission at Tamil Nadu and consequently direct the first respondent not to recover Rs.50,000/- from the petitioner.

For Petitioner(s): Mr.M.Velmurugan

For Respondent(s): Mr.B.Sivakollapan, AGP for R1 & R2

No Appearance for R3 to R5

ORDER

(Order of the Court was made by Dr.G.Jayachandran J.)

The order of the State Human Rights Commission passed in SHRC No.10223 of 2007 dated 03.02.2011 is put under challenge in the present Writ Petition. Further, the petitioner has sought for a direction to the first respondent not to recover a sum of Rs.50,000/- from him.

2. On 13.12.2007, Mansoor Ali, aged about 16 years, who is the son of the fifth respondent herein / K.Jahir Hussain while playing in the terrace of his



house has accidentally contacted the lying electrical wire and got electrocuted.

He was admitted in the Kilpauk Medical College and Hospital and due to the said accident, his limbs were amputated. Alleging that when the incident was reported to the Kundrathur Police to take action against the erred Electricity Board officials whose negligence was the cause for electrocution, the police failed to register FIR. Therefore, to take action against the erred officials of the Electricity Board and the police personnel, a written complaint dated 27.12.2007 was sent to the Commissioner, State Human Rights Commission, Tamil Nadu, which was taken cognizance by the Commission and the following recommendations were issued to the Government after examination of witnesses on 03.02.2011:

“i)The Government of Tamil Nadu, Energy Department shall first pay a sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand Only) to the petitioner-PW1 viz., K.JAGIR HUSSAIN by way of compensation and shall recover a sum of Rs.50,000/- (Rupees Fifty Thousand Only) from the first respondent Thiru Marimuthu, Asst. Engineer, TNEB as per the rules and regulations and the Government of Tamil Nadu, Energy Department shall bear the remaining Rs.2 Lakhs on vicariousness coupled with also on humanitarian and moral grounds.

ii)The Government of Tamil Nadu, Home Department shall pay a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the petitioner PW1 viz.,



*K.JAGIR HUSSAIN and shall recover Rs.50,000/-
(Rupees Fifty Thousand Only) from the second
respondent Thiru Kannan, Sub Inspector of Police,
Kundrathur PS as per the rules and regulations.*

Time for compliance : Two months.”

3. Being aggrieved by the recommendations of the State Human Rights Commission, the jurisdictional Sub Inspector attached to the Kundrathur Police Station Thiru Kannan has preferred a writ petition in W.P.No.12471 of 2011. According to the writ petitioner, after the incident which took place on 13.12.2007, the injured victim was admitted in the KMC Hospital regarding the medical legal case (MLC), a memo from the Hospital Police Outpost was received by the Kundrathur Police and soon after the receipt of the memo, he visited the hospital and made an enquiry, at that time, the complainant was not inclined to give any written complaint. However, after the preliminary enquiry, FIR was registered in Cr.No.4 of 2008 dated 03.01.2008 against the owner of the building and thus, the writ petitioner pleaded innocence by contending that they have not violated any human rights vested on the complainant or his son, who is the victim of the incident. However, the State Human Rights Commission taking note of the fact that enormous delay in registering the FIR in a case of electrocution, it tantamounts to violation of human rights and therefore, recommended the Government i.e., Energy Department and Home Department to pay a sum of Rs.2,50,000/- and Rs.50,000/- respectively to the



complainant and from out of the said compensation amount paid by the concerned Departments, it has ordered to recover a sum of Rs.50,000/- each from the erred official of the Energy Department as well as from the Home Department / the fourth and fifth respondent herein.

4. The learned counsel appearing for the writ petitioner submitted that the petitioner as a Sub-Inspector of Police attached to the jurisdictional police station on receipt of the memo from the hospital, had acted swiftly, went to the hospital to record the statement. Since the complainant was not inclined to give any complaint against the house owner, FIR was not registered immediately. The enquiry conducted by the writ petitioner disclosed the fact that High Tension Wire (440 Volts) was installed recently and the victim boy accidentally came in contact with the wire which was passing his house and for the said accident, the writ petitioner is no way responsible and so far as the registration of the complaint regarding the accident, a preliminary enquiry was required to ascertain whether there was any wilful negligence and if it is so, on whose part is the negligence lie? Therefore, for the delay in registering the FIR ,no human rights of the complainant or his son been violated to attract the provisions of Human Rights Act. The State Human Rights Commission had gone beyond the complaint to conclude that the earlier complaint of K.Jahir Hussain as against the Electricity Board Department staff was forced to be withdrawn and a fresh complaint was received as against the house owner.



5. Heard the learned counsel for the petitioner and perused the order of the State Human Rights Commission.

6. The victim itself has come before the Tribunal to depose. In his evidence, he has stated that while he was leaning over the parapet wall and taking his food, the spoon slipped from his hand and when he tried to catch the spoon, his left hand touched the live wire by accident and thereafter, he fell unconscious. The fourth respondent/ Junior Engineer of the Electricity Board Thiru Marimuthu was examined as Court witness and he had stated that two days before the incident, a fresh line from the transformer which is 500 feet away from the scene of occurrence was laid to carry High Tension power (11 Kilowatts). Normally for the residential purposes, only Low High Tension Wire carrying 440 Volts is used to be laid. Insofar as the complaint against the writ petitioner is concerned, it is for the delay in registering the FIR against the suspected accused and further, an attempt to manipulate the First Information Report as per his dictate by implicating the house owner rather than the erred officials of the Electricity Board.

7. In the counter affidavit filed, the writ petitioner itself admits knowledge of the incident through the memo received from the hospital. He has also taken up the investigation thereafter. However, it is admitted by the writ



petitioner that he had not registered the FIR immediately and has assigned certain reasons for the delay in registering the FIR.

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8. In our view, the delay in registering the FIR in this case seems that there was neither any violation nor any deprivation of human rights, but only dereliction and due diligence in discharging the official duty. The recommendations of the State Human Rights Commission to recover a sum of Rs.50,000/- being part of the compensation amount from this petitioner falls beyond the scope and power of the State Human Rights Commission. To that extent, we are inclined to interfere with the order of the State Human Rights Commission dated 03.02.2011. Accordingly, the recommendations of the State Human Rights Commission directing the Home Department/ higher officials of the writ petitioner to recover a sum of Rs.50,000/- from the writ petitioner is hereby quashed. In view of the same, the Writ Petition stands allowed. There shall be no order as to costs.

(G.J.,J.) (E.M.,J.)
13-08-2026

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

DP



To

1. The Secretary To Government,
Home Department,
Government of Tamil Nadu, Chennai.
2. The Secretary,
Energy Department,
Government of Tamil Nadu, Chennai.
3. The Chairman,
Tamil Nadu Electricity Board, Chennai.



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**DR.G.JAYACHANDRAN, J.
AND
E.MANOHARAN, J.**

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