



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.07.2026

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**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HONOURABLE MRS.JUSTICE N.MALA**

**W.P.Nos.19402 and 19403 of 2003
and
W.M.P.Nos.24225 and 24226 of 2004**

W.P.No.19402 of 2003

Thiru.A.Udayakumar,
Inspector of Police, Railways,
Now Inspector of Police, C.B.C.I.D.
Thiruvannamalai Detachment.

.. Petitioner

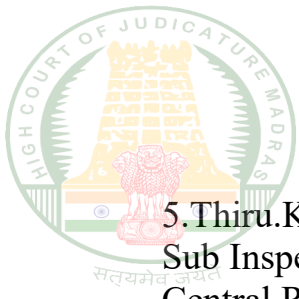
/versus/

1.K.Govindaraj,
S/o S.Krishnan,
No.1054/6, Rajiv Nagar,
Kovilpatti,
Tuticorin District.

2.The Registrar,
State Human Rights Commission,
Tamil Nadu,
Royapettah, Chennai 600 014.

3.Thiru.G.Balakrishnan,
Additional Superintendent of Police,
Villupuram,
(Formerly Deputy Superintendent of Police
Railways Chennai).

4.Thiru.D.R.Venkatesan,
Special Sub Inspector (L&O),
Central Railway Police, Chennai.



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5. Thiru.K.Kayambu,
Sub Inspector of Police(Crime),
Central Railway Police, Chennai.

6. Thiru.P.Natarajan,
Special Sub Inspector,
Railway Police, Coimbatore.

.. Respondents

Writ Petition has been filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari to call for the records of the second respondent (The Tamil Nadu Human Rights Commission) in its order dated 04.06.2003 and made in S.H.R.C.Case No.54/2002/AG/SS and quash the same.

For Petitioner :No appearance
For Respondents :No appearance

W.P.No.19403 of 2003

Thiru.G.Balakrishnan,
Additional Superintendent of Police,
Villupuram,
(Formerly Deputy Superintendent of Police
Railways Chennai)

.. Petitioner

/versus/

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S/o S.Krishnan,
No.1054/6, Rajiv Nagar,
Kovilpatti
Tuticorin District.

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For Petitioner :No appearance

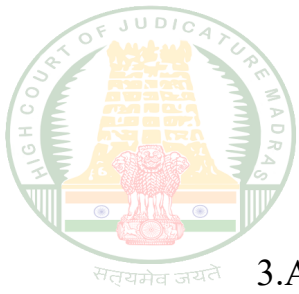
For Respondents :No appearance

COMMON ORDER

(Order of this Court made by Dr.G.Jayachandran,J.)

There is no representation for the writ petitioner.

2. The Writ Petitions are filed challenging the orders passed by the Tamil Nadu Human Rights Commission in S.H.R.C.Case.No.54/2002/AG/SS, dated 04.06.2003. The recommendations of the Tamil Nadu Human Rights Commission directed the Secretary to the Government of Tamil Nadu, Home Department, Chennai, to pay a sum of Rs.2,50,000/- to the complainant Thiru.Govindaraj (Ex-serviceman), for the human rights violations committed by the respondents 1 to 4, who are the police personnel attached to the Railway Police.



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3.As far as this writ petition is concerned in W.P.No.19402 of 2003, a sum of Rs.50,000/- was ordered to be recovered from A.Udayakumar, Inspector of Police, and to entrust the investigation of the illegal custody and human rights violations to Crime Branch, CID through the order of the Human Rights Commission dated 04.06.2003. The writ petition was filed at a time when, due to the conflicting judgments of this Court, the maintainability of the writ petition against the orders passed by the Tamil Nadu Human Rights Commission was itself hazy. In any event, since the matter has been pending for nearly 23 years, the learned counsel appearing for the petitioner and the petitioner appear to have lost track of the matter.

4. This Court, on considering the grounds of petitions and the orders impugned, proceed to pass orders, based on the materials available before this Court.

5. The complaint by K.Govindaraj is that, he after serving in the Indian Army for 17 years with retirement benefits, had started garment business. In the course of his business, he came to Chennai to proceed to Surat. On 15.10.2001, while he was waiting in the II Class waiting Hall at Chennai Central Railway Station, the respondents took him on suspicion, branded him as



a thief, physically tortured him and took away his money, jewels, mobile phone, and other properties. The complaint filed before the Tamil Nadu Human Rights

Commission alleged that after taking him under suspicion for the alleged theft, the complainant was threatened by the respondents that they will foist a false case for possessing brown sugar and ganja. They demanded a sum of Rs.40,000/- from him and substantial portion of money was specifically paid on 27.10.2001 to one Balakrishnan, the Deputy Superintendent of Police. The complaint was contested by the respondents on the premises that based on the complaint given by one Priyadharshan on 20.08.2001 regarding the theft of a suitcase with cash of Rs.7,500/-, cellphone and other belongings, a case was registered in Crime No.1401 of 2001 under Section 380 of IPC by Thiru.Udayakumar, the Inspector of Police (Crime), Chennai Central R.P.Station. In the course of investigation, the complainant, K.Govindaraj was apprehended along with suitcase, based on his confession statement. The properties in the said Crime No.8 of 2001 and Crime No.1401 of 2001 and also Crime No.697 of 2001 of Coimbatore R.P.Station, were recovered.

6. Thus, while the human rights violations alleged by the said K.Govindaraj, a counter case of habitual theft against K.Govindaraj was projected by the Railway Police, the respondents, who are the Railway Police Personnels. The Tamil Nadu Human Rights Commission, after letting in



evidence of PW-1 to PW-5 and PW-8 coupled with the statement of the third respondent given to the Deputy Superintendent of Police, SHRC and failure of the third respondent to get into witness box to substantiate the defence of recovery of stolen articles from K.Govindaraj, has concluded that the complainant was taken into illegal custody on 15.10.2001 itself, his money, jewels and cellphone and other properties were illegally seized and money was extorted from PW-2 and she was tortured inhumanly by the respondents 1 to 4. The Tamil Nadu Human Rights Commission has come to the categorical conclusion that K.Govindaraj, the complainant was kept under illegal custody by the respondents from 15.10.2001 to 29.10.2001.

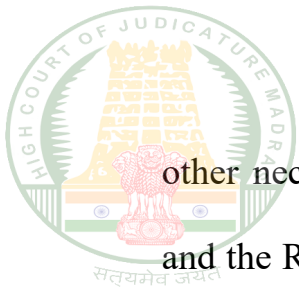
7. As a result, the Tamil Nadu Human Rights Commission recommended to pay a sum of Rs.2,50,000/- to the complainant K.Govindaraj and to recover a sum of Rs.1,00,000/- from Thiru.Balakrishnan, the Deputy Superintendent of Police, and to recover a sum of Rs.50,000/- each, from A.Udhayakumar, the writ petitioner herein, D.R.Venkatesan, Special Sub Inspector of Police and K.Kayambu, Sub Inspector of Police, the respondents 2 to 4 therein.

8. In the grounds challenging the recommendation of the Tamil Nadu Human Rights Commission, it is contended that the conclusion of the Tamil Nadu Human Rights Commission is on presumption, inference and surmises.



The evidence was not properly appreciated by the Tamil Nadu Human Rights Commission and no opportunity was given to the writ petitioners. It is particularly contended that the conclusion of the Tamil Nadu Human Rights Commission that the complainant was kept under illegal custody from 15.10.2001 to 29.10.2001 is baseless and lack of explanation on the side of the complainant that there was no reaction from the family members of the complainant when he was not heard and found for 15 days.

9. This Court, on considering the grounds of writ petitions, find that there is adequate evidence to establish that the complainant, K.Govindaraj was present in Chennai Central Railway Station, on 15.10.2001. According to the respondents, on 16.10.2001, they received information that the suspect in Crime No.1401 of 2001 registered on the complaint of one Priyadharsan, was staying in the Railway Dormitory. However, they were not able to apprehend the suspect on that day, but they were able to trace him on 29.10.2001 at Platform No.3 of Chennai Central Railway Station. The person, who accosted the complainant as per his own version, is Udhayakumar, Inspector of Police, who is the writ petitioner herein. The Human Rights Commission, having noticed that the material evidence placed by the complainant and the material placed by the respondents, substantiated the allegation regarding illegal custody and extortion. The failure of the respondents to produce the dormitory receipts and



other necessary records, which are in the custody of the Railway Department and the Railway Police has led to the conclusion holding that the writ petitioner and the other respondents are responsible for the human rights violation. The evidence placed before and appreciated by the Human Rights Commission is adequate to hold that there was a gross violation of human rights of the complainant by placing him under illegal custody and threatening to foist a false case against him. Even if he was suspected of committing any theft, the manner in which the case of theft was investigated has also been murky. We are not inclined to interfere with the findings and recommendations of the Human Rights Commission.

10. In the result, this Writ Petitions are dismissed. No order as to costs. Consequently, connected miscellaneous petitions are closed.

(Dr.G.Jayachandran,J.) (N.Mala,J.)

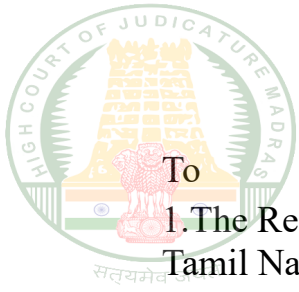
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Index:yes/no

Neutral citation:yes/no

Speaking order/non speaking order

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