



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :19.08.2026

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Coram:

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE E.MANOHARAN

Writ Petition No.20950 of 2011
and
M.P.Nos.35649 of 2016 and 1 of 2011

R.S.Parthasarathi,
Sub-Inspector of Police,
Katpadi Police Station,
Vellore District.

.. Petitioner

/versus/

1.G.Jayaprakash,
Son of Govindaraj,
Edakuppam Village,
Walajapet Taluk, Vellore District.

2.State Human Rights Commission,
Tamil Nadu,
Rep.by its Registrar,
"Thriuvaram"
No.143, P.S.Kumarasamy Raja Salai,
(Greenways Road), Chennai 600 028.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the second respondent pertaining to SHRC Case No.5568 of 2006 dated 30.05.2011 and quash the same.

For Petitioner :Mr.G.Ravikumar
For Respondents :No appearance for R1
Mr.Arun Anbumani for R2



ORDER

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

The writ petitioner, while serving as a Sub Inspector of Police, Walajapet Police Station, Vellore District, during the month of May 2006 and thereafter, has dealt with the complaint given by one Shantha @ Vimala Maragatham, against her husband the first respondent herein, Jayaprakash. Alleging that in the course of enquiry, the writ petitioner forced the complainant, Jayaprakash, to live with his wife and when he refused to live with his wife, the writ petitioner slapped the complainant, Jayaprakash on his face which let to injury on his eye. That apart, the complaint was also made roping the Assistant Superintendent of Police alleging that subsequent to the alleged incident on 14.05.2006, the Assistant Superintendent of Police instigated his wife to break open the house and take possession of the house. That apart, registered a dowry complaint as against the complainant, Jayaprakash.

2. After examining the witnesses on either side, the State Human Rights Commission held the allegation against the Sub Inspector of Police. The writ petitioner herein that the writ petitioner slapped the complainant on 14.05.2006, which let to serious injury on his eye and got treatment at Shankara Netralaya on 11.07.2006 and thereafter, found to be not proved. However, the other allegations of causing hurt and abusing the complainant in filthy language were

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found to be proved. Regarding the registration of the case for dowry harassment in Crime No. 18 of 2006, dated 10.10.2006 and Crime No.796 of 2006 dated 21.11.2006, the State Human Rights Commission, taking into consideration the embargo under the Protection of Human Rights Act, 1993 held that since the matter was sub judice, it was not inclined to examine the matter in detail any further.

3. Thereafter, the following recommendation has been issued to the Government:-

Recommendations

1.The Government of Tamil Nadu shall make a payment of Rs.25,000/- (Rupees Twenty Five Thousand only) to the complainant Thiru.G.Jayaprakash, S/o Govindaraj, Edakuppam Village, Walaja Taluk, Vellore District, within ten weeks from the date of receipt of this order towards compensation for the violation of human rights by the first respondent Thiru.R.S.Parthasarathi, the then Sub Inspector of Police, Walaja Police Station, Vellore District.

2.After making such payment, the Government of Tamil Nadu shall recover a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) from the salary of the first respondent Thiru.R.S.Parthasarathi, the then Sub Inspector of Police, Walaja Police Station, Vellore District in installments.

4. The writ petitioner, being aggrieved by the recommendation of paying Rs.25,000/- as compensation to the complainant, Jayaprakash, is before this Court on the ground that the complaint ought to have been dismissed in toto, having found that the complainant has exhausted the events and made as a serious allegation against the petitioner as if he has caused injury to his eye at
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the time of enquiry. Whereas, being the matrimonial dispute, a bonafide advice given to the complainant to join and live with his wife was declined by the complainant and also infuriated the advice. A false complaint been filed and the false allegation is that friend of the brother in law been examined as witness no independent witness has been examined to fortify the case of the complainant. Whereas on the side of the respondent, the wife of the complainant has been examined who was present at the time of enquiry and she had deposed about the incident on 13.05.2005 and her complaint leading to the registration of Crime No.18 of 2006, dated 10.10.2006 and Crime No.796 of 2006, dated 21.11.2006.

5. On examination of the order of State Human Rights Commission, we find that for want of evidence, the allegation of physical assault causing eye injury has rightly been disbelieved by the State Human Rights Commission. Likewise, the second part of the complaint regarding the registration of dowry complaint against the complainant at the behest of his wife has also not been examined, rightly, in view of Section 9(g) of the Protection of Human Rights Act, 1993. The evidence of the complainant is contrary to his complaint that he was abused by the writ petitioner in filthy language, when he met him on 18.09.2006 in the office of the District Superintendent of Police, Ranipet, alone been taking into consideration, ignoring his admission that the first meeting during the month of September, he did not abuse him. On the whole, the contradiction and embellishment in the complaint, which was lodged after

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several months of the incident and the allegation of causing injury to the eye leading to getting treatment in Sankara Nethralaya from the month of July has been found to be false by his own admission that before the alleged incident, he met with an accident and has developed eye problem.

6. The above fact, when put together, clearly show that the complainant being aggrieved by the manner in which the investigation into the dowry harassment complaint has been conducted and in an attempt to get rid of the serious allegations of dowry harassment, has given the complaint before the Human Rights Commission with embellished facts. Since the falsehood in the complaint intertwined intricately, it makes the separation of grain from the chaff impossible in this case. While so, the Human Rights Commission ought not to have ventured to give the recommendation as above, particularly the award of compensation and recovery from the writ petitioner. Hence, the order and the recommendation of the State Human Rights Commission in SHRC Case No.5568 of 2006 dated 30.05.2011 are set aside.

7. In the result, this Writ Petition stands allowed. No order as to costs. Consequently, connected Miscellaneous Petitions are closed.

(Dr.G.Jayachandran, J.) (E.Manoharan, J.)
19.08.2026



Index:yes/no

Neutral citation:yes/no

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To

The Registrar,
State Human Rights Commission,
Tamil Nadu,
“Thriuvaram”
No.143, P.S.Kumarasamy Raja Salai,
(Greenways Road), Chennai 600 028.



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