



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.No.31071 of 2005
and
W.M.P.No.34052 of 2005**

Mr.C.Mahesh Kumar,
S/o Chelliah,
Sub-Inspector of Police,
Koyambedu Police Station,
Chennai 600 107.

.. Petitioner

/versus/

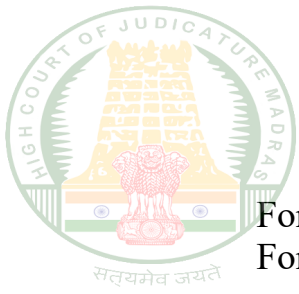
1.The Principal Secretary, Home Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.

2.The Registrar,
State Human Rights Commission,
Pratab Singh Malligai,
Royapettah, Chennai 600 014.

3.Mrs.Kumudabai,
W/o Annamalai,
No.10/17, II Lane, II Avenue,
Thirumariamman Nagar,
Anna Nagar West,
Chennai 600 040.

..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 in SHRC No.604 of 2004, dated 16.08.2005 and quash the same.



WEB COPY

W.P.No.31071 of 20



For Petitioner :Mr.C.Jayavel
For Respondents :Mr.B.Sivakollappan, GA for R1
Mr.J.Baranidharan for R2
No appearance

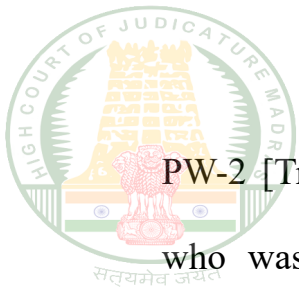
ORDER

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

The writ petition is filed challenging the recommendation of the State Human Rights Commission in SHRC Case No.604 of 2004, dated 16.08.2005.

2. The writ petitioner is the then Sub Inspector of Police attached to Koyembedu Police Station. In the case of the elopement of one Kumaran, Anand, a friend of Kumaran, was alleged to have been taken into custody by the writ petitioner on 20.11.2003 at 9.00 p.m, and was released on 22.11.2003 at 12.30 p.m. after subjected to inhuman torture. The mother of the said Anand had given a complaint to the State Human Rights Commission and the same has been taken up for investigation by the Sub Inspector attached to the Commission.

3. After enquiry, the complaint had been taken cognizance by the State Human Rights Commission and after examining the witnesses, the Human Rights Commission concluded that, from the evidence of PW-1, PW-2 and PW-3, the illegal custody of Anand in the lock-up of V5 Police Station, Thirumangalam, for a period of three days, was proved beyond doubt. When



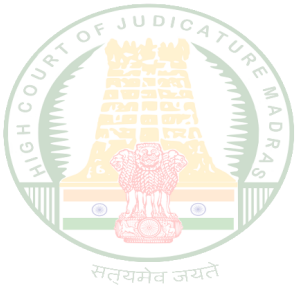
PW-2 [Tr.Anandhan] was beaten by Kalidas and his men, the writ petitioner, who was present, did not prevent them. Hence, the State Human Rights Commission recommended compensation of Rs.25,000/- payable to Anand and the same shall be recovered from the salary of the writ petitioner herein, C.Mahesh Kumar. The said recommendation is impugned in the writ petition on the ground that the State Human Rights Commission has failed to take note of the discrepancies in the evidence which go to the root of the complaint. After conceding that there were discrepancies regarding the alleged occurrence, the State Human Rights Commission ought not to have arrived at the conclusion that the said Anand was taken into the custody by the police and detained illegally for three days.

4. From the records, we find that the case, which has initially emanated from a girl missing complaint, branched out into three more cases, which are extracted in the impugned order as under:-

“5.In Crime No.2331/2003, the boy and the girl viz., Barani and Kumaran appeared in the police station and produced documents that they are married and since both of them were adults. Further action was dropped in the said case.

6.Crime No.2355 of 2003, a complaint given by Annamalai against Kumaramangalam, Sudakar and Suresh was pending investigation at the time when the complaint was filed.

7.Crime No.2495 of 2003, the complaint given by Kumtha bai against Kalidas, Bharat and Kumaramangalam was pending investigation at the relevant point of time.



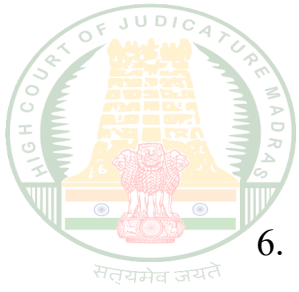
WEB COPY

W.P.No.31071 of 20



8.Crime No.103 of 2004, a complaint given by Kala, wife of Amuthan Antony against Kalidas and 8 others was charged on 29.01.2004 and Annamalai was a witness for the prosecution in that case.”

5. In the said course, as an ancillary allegation against the police, the complainant, Kumtha Bai, who is the complainant in Crime No.2495 of 2003, made an allegation that her son had been taken into illegal custody and put to torture. The Human Rights Commission, without considering the sequence of events leading to registration of four criminal cases among the parties, found that there were discrepancies regarding the occurrence during the three days of the alleged illegal detention. For the reason that the petitioner herein is a mute spectator, when Anand was attacked by the other group, the Human Rights Commission awarded compensation, which was directed to be recovered from the writ petitioner. When there is no evidence of any overtact of human rights violation, the recommendation of the State Human Rights Commission to recover the compensation is baseless and unjust. Hence, we are constrained to interfere with the recommendation of the State Human Rights Commission and the portion of the recommendation ordering the recovery of the compensation amount from the writ petitioner is set aside.



6. Accordingly, this writ petition is allowed. No order as to costs.

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Consequently, connected Miscellaneous Petition is closed.

(Dr.G.Jayachandran,J.)

(N.Mala,J.)

14.07.2026

Index:yes/no

Internet:yes

Speaking order/non speaking

Neutral citation:yes/no

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To

1.The Principal Secretary, Home Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.

2.The Registrar,
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