



W.P(MD)No.9862 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2026

CORAM:

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR.JUSTICE N.DILIP KUMAR**

**W.P(MD)No.9862 of 2021
and
WMP (MD) No.7584 of 2021**

D.Senthilvelmurugan

... Petitioner

VS.

1. The Assistant Registrar (Law),
Tamilnadu State Human Rights
Commission,
Thiruvarangam,
143 P.S.Kumarasamy Raja Salai,
Greenways Road,
Chennai.28.

2. The Principal Secretary to Government,
Home (Police Department)
Secretariat,
Fort.St.George,
Chennai 600 009.

3. The Superintendent of Police,
Office of the Superintendent of Police,

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Thoothukudi.

4. Solaippan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the impugned show cause notice issued by the 1st respondent in SHRC Case no.9240/2018 dated 15.04.2021 and quash the same.

For Petitioner	: Mr.G.R.Balakrishnan
For Respondents	: Mr.M.Mahaboob Athiff, SGP (R2)
	: Mr.R.Karunanithi (R1)
	: Mr.I.Murugesan, Counsel for State (R3)
	: Mr.K.Anand (R4)

ORDER

(Order of the Court was made by N.DILIP KUMAR, J.)

This writ petition is filed by the then Sub-Inspector of Police attached to Kottampatti Police Station, Thoothukudi District, against the order passed by the State Human Rights Commission in SHRC Case No.9240 of 2018 dated 15th April, 2021, holding the petitioner guilty of violation of human rights and directing the Government of Tamil Nadu to pay a compensation of Rs.2,00,000/- with a further direction to the Government to recover the same from

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the writ petitioner and as well a direction recommending to initiate disciplinary action against the writ petitioner.

2. The grievance of the complainant before the State Human Rights Commission is that his son, Kathiravan, was arrested by the Soorangudi Police Station for creating a ruckus past midnight hours during the closure of the Temple festival and upon registration of the criminal case in Crime No.50 of 2018 on 05.09.2018 under Section 294(b) of IPC, he was arrested and taken to police custody and later he was let off on Station Bail. However, while he was kept in the police station, he was assaulted by the writ petitioner and injuries were caused upon him.

3. A perusal of the records indicate that, with regard to the very same occurrence alleging criminal offence against the writ petitioner, the complainant has also filed a Criminal Miscellaneous Petition before the Court of the Judicial Magistrate, Vilathikulam, in CrI.M.P.No.4471 of 2018.



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4. He subsequently came before this Court with Crl.O.P.(MD) No. 16492 of 2018 dated 18th September 2018, with a request to transfer the investigation pending on the file of the Soorangudi Police Station to any other Investigating Officer. This Court, by an order dated 18th September 2018, was pleased to transfer the investigation to the Deputy Superintendent of Police, with a direction to the Superintendent of Police to monitor the investigation.

5. It is available from the records that pursuant to such direction, an investigation was conducted and the Superintendent of Police, has also filed a report before the Judicial Magistrate, Vilathikulam, forwarding the investigation report submitted by the Deputy Superintendent of Police, recording that the complaint of the complainant is exaggerated. After he got his son released on Station Bail and upon giving it in writing that his son was released on Station Bail on own bond, he was stable and in good condition and therefore, the allegation is found to be false.

6. Thus, it is evident from the records that the matter was sub judice before the Court of the Judicial Magistrate, Vilathikulam, with respect to the same



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occurrence in CrI.M.P.No.4471 of 2018.

7. When the matter was sub judice before the Court of the Judicial Magistrate, Vilathikulam, the State Human Rights Commission could not have entertained the complaint in the light of Regulation 9(g) and also Regulation 9(h) of the State Human Rights Commission of Tamil Nadu (Procedure) Regulations, 1997.

8. Therefore, the impugned order is without jurisdiction and is accordingly set aside as lacking in jurisdiction. The writ petition stands allowed. The complainant/fourth respondent is at liberty to pursue his further remedy in the manner known to law. No costs. Consequently, the connected miscellaneous petition is closed.

[M.D.I.,J.] & [N.D.K.,J.]
20.08.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN



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