



W.P(MD)No.13212 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2026

CORAM:

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

**W.P(MD)No.13212 of 2019
and
WMP (MD) Nos.9850 and 9851 of 2019**

N.Thiruppathi

... Petitioner(s)

VS.

1. The Principal Secretary to Government,
Home Department,
Fort St. George,
Chennai - 600 009.

2. The Secretary to Government,
Public Department,
Fort St. George,
Chennai - 600 009.



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3. The Registrar,
The State Human Rights Commission,
Tamil Nadu,
Thiruvaramangam,
No.143, P.S. Kumarasamy Raja Salai,
(Greenways Road),
Chennai - 28.

4. Mohamed Nainar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus by calling for the entire records pertaining to the order passed by the 3rd respondent in S.H.R.C.No. 101 of 2012 vide order dated 15.04.2019 and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr. R.Anand

For Respondents : Mr.M.Mahaboob Athiff (R1 & R2)
Special Government Pleader

: Mr.Gokul Abimanyu
for M/s.C.Arul Vadivel @ Sekar Associates (R3)

: Mr.S.M.A.Jinnah (R4)



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ORDER

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

This Writ Petition has been filed challenging the order passed by the State Human Rights Commission in SHRC No.101 of 2012 dated 15.04.2019.

2. Mr. R.Anand, learned counsel appearing for the petitioner, would submit that the State Human Rights Commission had exceeded its powers and had not conducted the proceedings in the manner required under law. According to him, the witnesses introduced on his side and the exhibits produced on his side, particularly Exs.R3 and RW3, were not properly appreciated by the State Human Rights Commission. The learned counsel would further submit that the accusations levelled against the petitioner is that he entertained an oral complaint outside the limits of the police station and had interfered in a civil dispute. Accordingly, if at all there is any grievance for the complainant, he should have taken it through the appropriate Magistrate Court as prescribed in the judgment of the Hon'ble Apex Court in *Lalita Kumari v. Government of Uttar Pradesh*,



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WEB COPY reported in *AIR 2014 SC 187*. It is also informed across the Bar that the complainant, who was arrayed as the fourth respondent, is no more.

3. The learned counsel appearing for the State Human Rights Commission would submit that there has been a proper consideration of the materials available on record and that the order has been appropriately passed.

4. We heard the respective parties and also perused the materials available on record.

5. It is seen from the records that one Salauddin along with Shahul Hameed requested for a loan of Rs.3,00,000/- which was given to Salauddin; Salauddin did not repay the loan; Salauddin instead gave a cheque in favour of the complainant; the cheque was dishonoured; the cheque was deposited for collection and it was returned with an endorsement “Funds Insufficient”; for taking further action, a complaint was allegedly given by Salauddin against the complainant and Shahul Hameed before the Tenkasi Police Station; the complaint was not in writing; it is indicated that the complaint was oral and the



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petitioner conducted an enquiry into such oral complaint and compelled the parties to settle the matter by returning the cheque through Saluddin.

6. The reasonings given by the State Human Rights Commission to eschew Ex.R3 and the statement of RW3 is not acceptable in law. By merely stating that these materials are brought on record only for to defeat the case of the complainant is not sufficient. There should have been substantiated reasons made by State Human Rights Commission in its order to indicate how these materials are not reliable.

7. If at all the complainant is having any grievance against the settlement or non-settlement of a monetary dispute or a complaint with regard to a negotiable instrument, the remedy lies elsewhere. There is no occasion for the State Human Rights Commission to entertain an action against an Inspector of Police for allegedly conducting an enquiry outside the police station limits without there being any allegation regarding the violation of the human rights. If there is any abuse of official power committed by the police officer, without there being any human rights violation, the remedy lies elsewhere, more particularly,



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when the grievance is regarding an interference in a civil dispute arising out of a negotiable instrument. There is no power available to the State Human Rights Commission to conduct such an enquiry.

8. In the light of the above discussion, we are of the considered view that the impugned order passed by the State Human Rights Commission travels beyond the scope and ambit of its jurisdiction.

9. Accordingly, the impugned order dated 15.04.2019, is set aside. The Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[M.D.I.,J.] & [N.D.K.,J.]
11.08.2026

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