



W.P(MD)No.12134 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2026

CORAM:

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

**W.P(MD)No.12134 of 2021
and
W.M.P(MD)Nos.9550 & 9582 of 2021**

Raghurajan

... Petitioner

VS.

1.The State Human Rights Commission,
Tamilnadu,
Thiruvaramam,
No.143, P.S.Kumarasamy Raja Salai,
(Greenways Road),
Chennai 600 023.
Represented Registrar (Law).

2.Mahesh,
Thoothukudi District Secretary Ambedkar
Makkal Iyakkam,
No.52/35 Melatheru,
Adaikalampuram (Post),
Thiruchendur Taluk,
Thoothukudi District - 627 217.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records of the impugned order S.H.R.C.No.9740 of 2017 dated 26.04.2021 of the first respondent as arbitrary and illegal and quash the same.

For Petitioner : Mr.T.Indrachithu

For Respondents : Mr.Pozzhilan (R1)
for M/s.Arul Vadivel @ Sekar Associates

: Mr.R.J.Karthick (R2)

ORDER

(Order of the Court was made by M.DHANDAPANI, J.)

This Writ Petition has been filed seeking issuance of a Writ of Certiorari to call for the records pertaining to the impugned order passed by the first respondent in S.H.R.C.No.9740 of 2017, dated 26.04.2021, and quash the same as arbitrary, illegal and unsustainable in law.



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2.The learned counsel appearing for the petitioner submitted that, at the time of the occurrence, the petitioner was working as the Inspector of Police, Tiruchendur Police Station, Thoothukudi District, and is presently working as the Inspector of Police, Kadaiyam Police Station, Kadaiyam, Tenkasi District. The second respondent is stated to be a habitual offender, against whom as many as 14 criminal cases are pending in and around Thoothukudi District.

3.On 08.11.2017, one Jijin Dev, who was working at the Government Hospital, Tiruchendur, lodged a complaint before the Sub-Inspector of Police, Tiruchendur, alleging that the second respondent had picked up a quarrel with him and assaulted him. Based on the said complaint, a case in Crime No.391 of 2017 was registered for the offences punishable under Sections 294(b), 353 and 506(ii) of the Indian Penal Code. The second respondent was arrested by one Karuppasamy, Sub-Inspector of Police, and the said case was thereafter investigated.



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4. On 04.12.2017, the second respondent lodged a complaint before the first respondent/State Human Rights Commission alleging violation of his human rights. According to the second respondent, one Sankaranarayanan, the then Sub-Inspector of Police, Tiruchendur, had forcibly obtained his thumb impression and signature and thereby closed a complaint lodged by the Ambedkar People's Federation. He further alleged that, when he questioned the police officials in connection with the said complaint, he was threatened by them. Though he had lodged a complaint against the said Sankaranarayanan before the higher police authorities on 27.04.2017, the Inspector of Police had allegedly compelled his party members to withdraw the complaint.

5. It is further alleged that, on 08.11.2017, the aforesaid Jijin Dev lodged a complaint against the second respondent and, on the following day, i.e., on 09.11.2017, the petitioner and other police officials came to the residence of the second respondent and arrested him. It is the specific allegation of the second respondent that the police officials scolded him



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stating that he was in the habit of lodging false complaints against police officials, dragged him to the police station, took him into the lock-up room and removed his pant and shirt, leaving him only in his undergarment.

6. Based on the aforesaid allegations, the second respondent preferred a complaint before the State Human Rights Commission. After conducting an enquiry, the first respondent/Commission came to the conclusion that there was a violation of the human rights of the second respondent and recommended payment of a sum of Rs.25,000/- as compensation. Aggrieved by the said recommendation, the present Writ Petition has been filed.

7. The learned counsel appearing for the petitioner would submit that the allegations made by the second respondent are wholly unsubstantiated. Though the second respondent alleged that he was brutally assaulted by the petitioner and other police officials after being arrested in connection with Crime No.391 of 2017, there is no supporting material to



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establish the same. In particular, the remand report submitted before the learned Judicial Magistrate does not contain any allegation that the second respondent had been assaulted or subjected to any ill-treatment by the police officials.

8.It is further submitted that no medical records or other independent material were produced before the State Human Rights Commission to substantiate the allegation of assault. The learned counsel therefore contended that, in the absence of any corroborative evidence, the conclusion arrived at by the State Human Rights Commission that there was a violation of human rights is without sufficient basis and is liable to be interfered with by this Court.

9.Per contra, the learned counsel appearing for the second respondent would submit that the second respondent is the District Secretary of the Ambedkar People's Federation and is actively involved in the upliftment of downtrodden people. It is contended that he was forcibly



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arrested by the petitioner and other police officials in connection with Crime No.391 of 2017, dragged to the police station and brutally assaulted. It is therefore submitted that, after conducting a detailed enquiry, the State Human Rights Commission rightly arrived at the conclusion that there was a violation of the human rights of the second respondent and recommended compensation. Hence, the learned counsel prayed for dismissal of the Writ Petition.

10.We have considered the submissions made on either side and perused the materials available on record.

11.The principal allegation made by the second respondent is that, after his arrest in connection with Crime No.391 of 2017, he was taken to the police station, assaulted and stripped of his clothes, leaving him only in his undergarment. Such a serious allegation, when made against police officials, necessarily requires some reliable and corroborative material to substantiate the same.



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12.In the present case, admittedly, the remand report placed before the learned Judicial Magistrate does not disclose any allegation by the second respondent that he had been assaulted or subjected to such ill-treatment by the petitioner or the other police officials. The second respondent was produced before the competent Magistrate after his arrest, and the material placed before us does not indicate that any complaint of assault or custodial ill-treatment was recorded at that stage.

13.Further, no medical records or other independent evidence have been produced before the State Human Rights Commission to establish that the second respondent had suffered any injury on account of the alleged assault. When the allegation is one of brutal assault and ill-treatment in police custody, the absence of any contemporaneous medical evidence or complaint before the jurisdictional Magistrate assumes significance.



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14.It is not in dispute that the second respondent was arrested in connection with a criminal case registered on the complaint of one Jijin Dev. The arrest, therefore, had a specific criminal case as its basis. Merely because the second respondent had earlier lodged complaints against police officials, the subsequent arrest cannot, by itself, be treated as an act of human rights violation. The allegation that the arrest was accompanied by assault and humiliation must be established by acceptable evidence.

15.On a careful consideration of the materials placed before us, we are of the view that the finding of the State Human Rights Commission is not supported by sufficient and cogent evidence. The Commission appears to have accepted the allegations of the second respondent without properly appreciating the absence of contemporaneous evidence, particularly the contents of the remand report and the absence of medical records or other independent material corroborating the allegation of assault and ill-treatment.



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16.The impugned recommendation directing payment of compensation of Rs.25,000/- is, therefore, unsustainable. The finding of violation of human rights, in the facts and circumstances of the present case, cannot be sustained merely on the basis of the uncorroborated allegations of the second respondent. Hence, the impugned order warrants interference by this Court.

17.Accordingly, this Writ Petition is allowed and the impugned order passed by the first respondent in S.H.R.C.No.9740 of 2017, dated 26.04.2021, is set aside. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

[M.D.I.,J.] & [N.D.K.,J.]
13.08.2026

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

The State Human Rights Commission,
Represented Registrar (Law).
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