



W.P(MD)Nos.14641 and 14642 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2026

CORAM:

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

**W.P(MD)Nos.14641 and 14642 of 2019
and
WMP (MD) Nos.11089 to 11092 of 2019**

M.Suthesan

... Petitioner
in W.P.(MD) No.14641/2019

S.Jinna @ Jinna Peer Mohammed

... Petitioner
in W.P.(MD) No.14642/2019

VS.

1. The Registrar,
State Human Rights Commission,
Tamilnadu,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai-28.

2. The Principal Secretary To Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-9.



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3. The Special Secretary To Government,
Public (HR) Department,
Secretariat,
Chennai-9.

4. A.Arul Raja Rock Roy

... Respondents

COMMON PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records on the file of the 1st respondent herein in connection with the order passed in SHRC Case No.6703 / 2017 dated 21/05/2019 and quash the same as illegal.

For Petitioner	: Mr.B.Brijesh Kishore
For Respondents	: Mr.R.Karunanithi (R1)
	Mr.G.Mohan Kumar (R2 & R3)
	Additional Government Pleader
	Mr.Karthikraja (R4)
	for M/s.Ajmal Associates

COMMON ORDER

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

Challenging the common order dated 21.05.2019 passed by the State Human Rights Commission, the petitioners have filed the present writ petitions.



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2. Since the issue involved in both the writ petitions is one and the same, they were heard together and are being disposed of by this common order.

3. These petitioners, while they were working as Inspector and Sub-Inspector, attached to the Eraniel Police Station had to rush to the place of protests, with regard to the TASMACH shop bearing No. 4860, that was sought to be shifted based on the orders of the Hon'ble Supreme Court in Civil Appeal Nos. 12164 to 12166 of 2016, found that, against the prohibitory orders, the complainant and others were creating an unnecessary burden and causing hindrance to the general public from using the public roads.

4. In this regard, a criminal case in Crime No. 332 of 2017 was also registered on 13th July, 2017, against 16 individuals, wherein this complainant is shown as the second accused.

5. All the protesters were removed to a nearby Kalyana Mandapam, only to be let off later in the evening.



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6. The learned counsel for the petitioners would strenuously contend that the complaint given is exaggerated and it is a false and vexatious complaint given by the complainant.

7. The learned counsel for the complainant would argue that his complaint is sufficiently supported by the statements of two other witnesses, including that of one Mr.Swamy Das, who was also removed from the site of protest to the Kalyana Mandapam in the police van. Therefore, he would submit that the conclusion arrived at by the Human Rights Commission warrants no interference and only a minimal compensation amount has been awarded and he prayed for the dismissal of the petition.

8. We have heard Mr.B.Brijesh Kishore, learned counsel for the petitioners; Mr.R.Karunanithi, learned counsel for the first respondent; Mr.G.Mohan Kumar, learned Additional Government Pleader, appearing for respondents 2 and 3 and Mr.Karthikraja, learned counsel, appearing for the fourth respondent. We have perused the materials available on record.

9. Admittedly, on the date of occurrence, there was a prohibitory



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order restraining any kind of protest happening in the particular place and the shifting of the TASMACH shop was happening pursuant to the orders of the Hon'ble Supreme Court of India. The complainant and several other individuals had involved themselves in the protest and the police had to necessarily interfere with that and ensure peaceful access to the citizens.

10. The complainant was admitted to the Government Hospital and his Accident Register, made available at page 8 of the paper book, indicates that he absconded from the Government Hospital and it had not recorded any injury found on his person.

11. Further, the complainant's original version would state that it was the third respondent who physically assaulted him and he was also assaulted by two other police personnel from the Special Armed Police Force. Rather, his complaint does not mention the name of these two Special Armed Police personnel and he has not given any reason for not including them in his complaint. Further, the Human Rights Commission also did not find any material against the third respondent, as we noticed that the third respondent was on some



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other duty and he was not even present in the place of occurrence, as mentioned by the complainant and it found the version of the complaint to be false, insofar as it is concerned against the third respondent.

12. When we notice the recording of the statement, under the discussion portion of PW3, Mr.Swami Das, it is evident that Swami Das had not supported the version of the complainant. Rather, he had given a completely different version to the incident and he had exaggerated and he had completely omitted any role that had been played by any of the other respondents, than that of the first petitioner/Inspector of Police. It is completely contradictory to the version of the complainant and it exaggerates way beyond even the version of the complainant.

13. We are convinced that the conclusion arrived at by the Human Rights Commission, that the other statements complement the version of the complainant, is not correct and there is no sufficient material available on record to support the conclusion of the State Human Rights Commission. Therefore, the order of the State Human Rights Commission is set aside and both the petitions,



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stand allowed. Any amount, if any, recovered from the petitioners shall be refunded to them. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

[M.D.I.,J.] & [N.D.K.,J.]
17.08.2026

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

To

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