



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

Writ Petition (MD).No.27299 of 2019

and

W.M.P. (MD) .Nos.23576, 23577 and 2409 of 2020

1.R.Prakash

2.Pon Ramu

... Petitioners

Vs.

1.The State Human Rights Commission,
Tamil Nadu represented by the Secretary,
No.143, P.S.Kumarasamy Raja Salai,
Chennai -28.

2.Dr.A.A.Samy

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the impugned order dated 29.10.2019 passed in S.H.R.C.No.7346 of 2018, on the file of the first respondent and quash the same in respect of the petitioners and discharge them.

For Petitioner : Mr.R.Vijayakumar

For R1 : Mr.C.Arul Vadivel @ Sekar

For R2 : M/s. D.Geetha

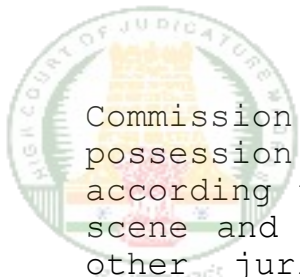
O R D E R

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

Heard Mr.R.Vijayakumar, learned counsel appearing for the petitioners, Mr.C.Arul Vadivel @ Sekar, learned counsel appearing for the first respondent and M/s. D.Geetha, learned counsel appearing for the second respondent.

2. This writ petition has been filed challenging the order passed by the State Human Rights Commission, in a discharge petition filed by the petitioners, who are police officers, under Regulation Nos.9(iii) and 9 (x) of the National Human Rights Commission (Procedure) Regulations Act, 1997.

3. After elaborately hearing the learned counsel for the petitioners as well as the learned counsel appearing for the Commission and the learned counsel appearing for the second respondent / complainant, we are of the view that the grounds canvassed by the petitioners to establish that they are complete strangers to the allegations made in the complaint given by the second respondent is a matter which requires to be enquired into and therefore, the Commission was right in dismissing the discharge petition as in a discharge petition, it will not be possible for the



Commission to examine witnesses or receive documents which are in possession of the writ petitioners such as law book etc., which according to the petitioners will prove that they were not in the scene and they were on duty as per requisition for bandobust from other jurisdiction. Therefore, we are of the view that the petitioners should be given full opportunity to establish that they had nothing to do with the said complaint and also to substantiate their case that there is no overt act or allegation made against the writ petitioners.

4. Thus, for the above reasons, we dismiss the writ petition and direct the State Human Rights Commission to take up the application for enquiry and afford full opportunity to the petitioners to produce oral and documentary evidence and if any witnesses are to be produced from their side and they are official witnesses, the Commission may exercise jurisdiction under their procedural regulations and facilitate the presence of all those witnesses and after conducting a full-fledged enquiry and hearing the arguments of the petitioners, final orders be passed by the Commission, in accordance with law. Needless to say that the second respondent / complainant is also entitled to place all evidence before the Commission to establish the allegations made in the complaint. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

The State Human Rights Commission,
Tamil Nadu represented by the Secretary,
No.143, P.S.Kumarasamy Raja Salai,
Chennai -28.

+1 CC to M/s.D.GEETHA, Advocate (SR-21300[F] dated 06/07/2021)

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KK(13.07.2021) 2P 3C

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