



W.P.No.11380 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.11380 of 2020
and
W.M.P.Nos.13871 & 13872 of 2020

1.Seetharaman

2.C.Panneerselvam

...Petitioners

Vs.

1.The State Human Rights Commission,
Tamilnadu, Thiruvaramam,
No.143, P.S.Kumarasamy Raja Salai,
(Greenways Road), Chennai – 600 028.

2.The Secretary to Government,
Home Department,
Fort St.George, Chennai.

3.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

4.The Special Secretary to Government,
Public (HR) Department,
Secretariat, Chennai – 600 009.

5.S.Rajpadmanaban

..Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records of the 1st respondent herein in its proceedings SHRC Case No.9686 of 2017, order dated 31.12.2019 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.D.Balamurali

For Respondents : Mr.K.V.Sajeevkumar

Special Government Pleader for R1

Mr.A.Selvendiran

Special Government Pleader for R2 to R4

R5 – Served – No Appearance

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

The petitioners are aggrieved by the order of the State Human Rights Commission, imposing penalty of Rs.25,000/- to be shared equally. The 5th respondent lodged a complaint with the State Human Rights Commission in SHRC Case No.9676 of 2017, complaining that the petitioners herein, the then Sub-Inspector of Police (Grade-I) and Head Constable at the Madipakkam Police Station had visited his house at 12 midnight along with the brother of his father-in-law, with whom there was a property dispute, and threatened the inhabitants.



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2.The complainant / 5th respondent herein would claim that his father-in-law along with his nephew, Balaji has gone to the House of his elder brother Pudukkan to discuss certain property issues. Since the father-in-law of the complainant was assaulted at the house of the said Pudukkan, the complainant had taken his father-in-law to the Chrompet Government General Hospital. On the same day around mid night i.e., on 27.07.2017. The petitioners herein along with the said Pudukkan and his family members visited the house of the complainant and threatened the inhabitants.

3.Complainant also came to know that a First Information Report registered against him in Crime No.927 of 2017 at the instance of the said Pudukkan. Therefore, the complainant had approached this Court and obtained Anticipatory Bail. It is further alleged that the 2nd respondent sought for a bribe of Rs.6,000/- and threatened that action will be initiated under Section 110 of Cr.P.C., if he fails to pay the said sum of Rs.6,000/-. These actions on the part of the petitioners, who are Police Officers, according to the complainant, amounted to violation of human rights. The



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petitioners resisted the complaint contending that they never went to to the house of the complainant at any time. Since there were some disputes between Pudukkan and the complainant's father-in-law, at the instance of the said Pudukkan a First Information Report was registered.

4. Though the complainant and others obtained Anticipatory bail, they did not comply with the conditions. Therefore, the 2nd petitioner herein went to the shop of the complainant to advise him to seek modification of the Anticipatory Bail order to avoid arrest. Before the Commission, the complainant had produced the CCTV footage from the camera that was available in front of his house. The Commission had concluded that the CCTV footage shows that the petitioners herein along with the family members of Pudukkan had infact, gone to the house of the complainant at 12 mid night on 27.07.2017 and at 6 a.m on 28.07.2017.

5. Admittedly, there was no First Information Report against the complainant or his father-in-law on 27.07.2017. No arrest warrant was obtained. The contention of the petitioners that they never went to the house



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of the complainant is falsified by the CCTV footage that was produced before the Commission. The offences, for which, the First Information Report has been registered are all bailable offences except the usual section that is added in all First Information Reports namely, 506(ii).

6.We are therefore, convinced that there was a brazen attempt on the part of the Police Officers namely, the petitioners herein to threaten the complainant and his father-in-law and to bring them to terms in the dispute with the said Pudukkan. It should be noted that the petitioners had not chosen to let in any evidence before the Commission. We therefore, do not find any ground to interfere with the order of the State Human Rights Commission, which, we feel in the circumstances, had imposed a very mild punishment.

7.This Writ Petition fails and it is accordingly, dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(R.S.M.,J.) (K.B.,J.)
16.11.2022

kkn
Internet:Yes/No
Index:Yes/No
Speaking/Non-speaking order

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WEB COPY To:-

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