



W.P.No.21055 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM

THE HONOURABLE Mr.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE Mr.JUSTICE KUMARESH BABU

W.P.No.21055 of 2022
and WMP.No.20070 of 2022

1.B.Sivakumar
2.P.Sadhanapriya

.... Petitioners

Vs

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

2.The State Human Rights Commission
Tamil Nadu, Rep by its Registrar
No.143, P.S.Kumarasamy Raja Salai
Greenways Road
Chennai - 600 028.

3.B.Antony David

.... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for all the records pertaining to the impugned order passed by the second respondent in SHRC Case No.10240 of 2019 dated 02.05.2022 and quash the same.

For Petitioner : Mr.A.Saranraj

For Respondents : Mr.A.Selvendran
Special Government Pleader for R1
Mr.S.Wilson for R2
R3 - Served [No appearance]

ORDER

[Order of the Court was made by R.SUBRAMANIAN.J]

Challenge in the writ petition is to the order of the State Human Rights Commission imposing a fine of Rs.25,000/- payable by the petitioners at Rs.12,500/- each for the violation of human rights of the third respondent.

2. The third respondent/complainant lodged a complaint with the Commission claiming that while he was driving his car near the Hill bunk in Udhagamandalam, the second petitioner, Sub-Inspector of Police, G1 Udhagamandalam Town West Police Station, stopped him and asked him to



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produce essential documents including the driving licence. Upon production of the documents, she found that the smoke emission certificate was not there and accused of the third respondent/complainant not wearing the seat belt. She had required the third respondent/complainant to pay a fine of Rs.1,100/-. The third respondent had informed her that he would pay the fine in the Court and required her to issue summons. Instead of issuing the summons, the second petitioner abused the third respondent and the third respondent and his family members were taken to the police station in his own car. At the police station, the first petitioner, the Inspector of Police also joined with the second petitioner, abused the third respondent in filthy language and made him part with a fine of Rs.1,100/-.

3. The claim of the third respondent was resisted by the petitioners contending that the third respondent refused to pay the fine, since he was an employee of Tamil Nadu State Transport Corporation. It is their further contention that the third respondent voluntarily drove to the police station and paid the fine at police station. They also claimed that the third respondent attempted to video graph the incident, which forced the second petitioner to take him to the police station. They also contended that after a lapse of 35 days, the



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third respondent had lodged the complaint before the Commission.

4. Before the Commission, at the time of examination, the second petitioner had admitted that she had taken the third respondent to the police station because he had not paid the fine.

5. Disbelieving the reason assigned namely the video graphing, the Commission had held that there is a violation of human rights. The Commission had also found that the second petitioner being a Sub-Inspector of Police, had no power to issue challans for traffic violations.

6. Mr.A.Saranraj, learned counsel appearing for the petitioners would vehemently contend that taking a person to police station would not amount to violation of human rights. The Commission having concluded that the usage of filthy language has not been established, it ought not to have imposed a fine of Rs.25,000/- on the petitioners.

7. The third respondent though served is not appearing either in person or through any counsel.



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8.Mr.S.Wilson, learned counsel appearing for the Commission would submit that the offence being a traffic offence and compoundable offence, taking a person to the police station would be in excess of authority and consequently leads to violation of human rights.

9.1 Mere action of taking a person to police station would not amount to violation of human rights if it is permitted under law. In the case on hand, the offence complained of is a traffic offence which is compoundable in nature and therefore, taking a person to police station is not justifiable. When the third respondent has offered to pay the fine in Court, the second petitioner should have issued a notice/summon requiring the third respondent to appear in the Court. Instead, the second petitioner has chosen to take the third respondent and his family members to the police station, and in the company of the first petitioner, extracted a fine amount from the third respondent.

9.2 This in our opinion would definitely amount to violation of human right, and we see no error on the part of the State Human Rights Commission in having imposed a fine of Rs.25,000/- on the petitioners.



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10. The writ petition accordingly fails and therefore, it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[RSMJ] [KBJ]
02.11.2022

Index : Yes / No

Speaking order / Non-speaking orders

To:

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

2.The Registrar
State Human Rights Commission, Tamil Nadu
No.143, P.S.Kumarasamy Raja Salai
Greenways Road, Chennai - 600 028.



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R.SUBRAMANIAN. J.,
and
KUMARESH BABU.J.,

ds

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