



WEB COPY

W.P.No.24664



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2022

CORAM:

**THE HON'BLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HON'BLE MR.JUSTICE K. KUMARESH BABU**

W.P.No.24664 of 2022

K.Selvakumaran

...Petitioner

Vs.

1.The Registrar,
State Human Rights Commission, Tamil Nadu,
“Thiruvaramangam”,
No.143, P.S.Kumarasamy Raja Salai,
(Greenways Road), Chennai – 600 028.

2.T.Usha

3.Prabhu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for entire records pertaining to passing of the order in SHRC No.9530 of 2019 dated 29.04.2021 by the 1st respondent herein namely the State Human Rights Commission, Chennai and quash the same and take appropriate severe action against the respondents 2 and 3 for violation of human rights against the petitioner.



For Petitioner : Mr.A.D.Janarthanan

For Respondents : Mr.K.Sivasubramanian for R1

Ms.B.Meenakshi Aishwarya
for Mr.S.Senthilkumar for R2

ORDER

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

Challenge in this writ petition is to the order of the State Human Rights Commission imposing a fine of Rs.25,000/- on the 2nd respondent herein on the conclusion that there is a human rights violation by her in handling a complaint filed by a recovery agent of a finance Company against the petitioner.

2. According to the petitioner, he had borrowed certain monies from a Finance Company called IDFC First Bank. Since he could not pay the equated monthly installments regularly, the collection Manager of the Bank one Mr.Gopal visited his shop at 11.00 a.m on 19.09.2019 and required him to pay back the entire loan. This resulted in skirmish, which led to said Gopal lodging a complaint to the police control room by calling the number 100. The 2nd respondent herein who was the sub-Inspector of Police at the relevant point of



time came to the spot and threatened the complainant to pay the amount due to the Bank. He was also taken to the police station and detained there till 9.00 p.m.

He was let off after he had paid a sum of Rs.1,500/-. This action of the police, according to the petitioner, was in violation of human rights and therefore, the police are liable to compensate him.

3. This was resisted by the respondent police contending that there was no violation of human rights. Because of the dispute in payment of equated monthly installments, the petitioner created a raucous and disturbed the traffic in Butt Road, St. Thomas Mount. Upon reaching the spot, she found that the petitioner had picked up quarrel with one Gopalsankar Ramasamy, who was the collection agent of IDFC First Bank. The said Gopalsankar Ramasamy had lodged a complaint against the petitioner, based on which a case under Section 75 of the Madras City Police Act was registered and the complainant had paid fine before Judicial Magistrate, Alandur.

4. The Commission however found that there were variations between the FIR and the complaint by the Gopalsankar Ramasamy. Since the 2nd respondent, Sub-Inspector of Police was unable to explain the said variations, the Commission



concluded that there was some violation of human rights of the petitioner and imposed a fine of Rs.25,000/- on the 2nd respondent herein. The 2nd respondent has not challenged the said order. The petitioner is before us contending that the Human Rights Commission was not right in concluding that the 3rd respondent was not responsible and Human Rights Commission must have directed departmental action against the police officials.

5. We are unable to concur with the learned counsel for the petitioner in his submission that the Human Rights Commission has dealt with the police officers with very soft gloves. Admittedly, the petitioner has borrowed some monies from IDFC First Bank and he had not repaid the installment. When the recovery agent came to the premises, there were some problem and even according to the petitioner, the other shop owners intervened to resolve the issue. On a complaint lodged by the recovery agent, the petitioner was taken to the police station and a case under Section 75 of the Madras City Police Act was registered and the petitioner was let off after he had paid the fine.

6. Of course, it is not for the police to involve themselves in these kind of recovery matters, as it is purely a civil dispute. At the same time, the Police



cannot also be expected to be idle, when public peace and tranquility is disturbed and there is a traffic jam. However, the Commission has taken note of the variations in the version of the police FIR and the complaint has chosen to impose fine.

7. We are therefore not inclined to interfere with the order of the Commission. The writ petition therefore fails and it is accordingly dismissed. No costs.

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

25.11.2022

Index : No
Internet : Yes
Speaking order
dsa

To

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