



W.P.No.29403 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2022

CORAM:

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

W.P.No.29403 of 2022

Lenin Karthik. V

...Petitioner

Vs.

1.State Human Rights Commission – Tamil Nadu,
Rep. By its Secretary,
143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai – 600 028.

2.C.Sivasankar,
The then Sub-Inspector of Police,
Walajapet Police Station,
Kancheepuram District.

3.N.Ragupathy,
The then Sub-Inspector of Police,
Walajapet Police Station,
Kancheepuram District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records relating to the respondent State Human Rights Commission order in SHRC No.12806/2019 dated 25.05.2022 and quash the same and consequently



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directing the 1st respondent to reopen the case in File No.12806/2019 and proceed with the same within a stipulated time in accordance with the powers contemplated under the provisions of the Protection of Human Rights Act, 1993 within a stipulated time.

For Petitioner : Mr.Arun Kasi

ORDER

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

The challenge in the Writ Petition is to the order of the State Human Rights Commission dated 25.05.2022 made in SHRC No.12806 of 2019, rejecting the claim of the petitioner that there was no human rights violation in the process of arrest of the petitioner on 27.11.2019.

2.According to the petitioner, he had gone to his wife's village to meet her and his son. His wife and her family detained him illegally and beat him up. He suffered bleeding injuries. The police, who reached the spot around mid night, without listening to the petitioner, arrested him and took him to the police station where he was beaten up. The next day, a First Information Report was registered against the petitioner. This according to



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the petitioner, would amount to human rights violation.

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3.The claim was resisted by the respondents on the ground that the police went to the Government Hospital, where one injured Revathi and her father were admitted. A statement was recorded by the police from her and a case was registered in Crime No.688 of 2019 under Sections 294(b), 323, 324 & 506(i) of IPC and the petitioner was arrested at about 11.30 a.m and brought to the police station. Upon examination a contusion was found in the right hand palm, the same was recorded in the arrest memo and he was produced before the Judicial Magistrate, Walajapet.

4.It is also stated that the Magistrate enquired him and he did not say anything about assault or torture by the police. Before the State Human Rights Commission the petitioner examined himself as a witness and his father was also examined. The State Human Rights Commission relied upon the evidence of the father and the orders passed by the Judicial Magistrate, while remanding the petitioner, to the effect that the petitioner has no complaints against police. Aggrieved, the petitioner has come up with this



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5.Mr.Arun Kasi, learned counsel appearing for the petitioner would vehemently contend that the State Human Rights Commission was not justified in concluding that the petitioner has not produced any record of treatment. He would refer to the AR copy issued by the Government Hospital, Walaja on 27.11.2019 wherein, it is stated that the petitioner had taken some treatment at the Government Hospital, Walajapet. It appears that there is variance in the time recored in the AR copy and the claim of the petitioner.

6.Be that as it may. The evidence of the father of the petitioner coupled with the orders of the Judicial Magistrate would show that the claim of the petitioner is not true. The father of the petitioner has stated that the police informed him of the arrest and had handed over the belongings to him. The Judicial Magistrate recorded that no complaint is made against the police. This order is not subject to challenge.

7.In the light of the above, we are unable to fault the conclusions of



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the State Human Rights Commission. This Writ Petition therefore, fails and it is accordingly, dismissed. No costs.

(R.S.M.,J.) (K.B.,J.)
09.11.2022

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To:-

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