

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.09.2022

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

**W.P.(MD)No.927 of 2013
and M.P(MD).No.1 of 2013**

R.Kathirvel

... Petitioner

Vs.

- 1.The State Human Rights Commission,
Tamilnadu,
Thiruvarangam,
143, P.S.Kumarasamy Raja Street,
(Greenways Road),
Chennai-600 028.
- 2.Subbiah,
Inspector of Police,
Karambakudi Police Station,
Pudukottai District.
- 3.Rajendran,
Inspector of Police,
Karambakudi Police Station,
Pudukottai District.
- 4.Ramasamy
H.C.1334,

Karambakudi Police Station,
Pudukottai District.

5.Chandran,
H.C.1429,
Karambakudi Police Station,
Pudukottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in SHRC Case No.1661/2009 dated 05.10.2012 on the file of the respondent No.1 and set aside the same as illegal and consequently direct the respondent No.1 to conduct the SHRC Case No.1661/2009 in accordance with law.

For Petitioner	:	Mr.S.Vanchinathan
For Respondents	:	Mr.C.Arulvadivel @ Sekar for R1 No-appearance for R2 to R5

ORDER

This Writ Petition was filed challenging the order passed by the State Human Rights Commission in SHRC Case No.1661 of 2009 dated 05.10.2012.

2. Heard Mr.S.Vanchinathan, learned counsel for the petitioner and Mr.C.Arulvadivel @ Sekar, learned counsel appearing for the first respondent.

3.The grievance of the petitioner is that he was threatened by the concerned Police officer and was asking to pay money, failing which, he will face dire consequences. Based on the complaint given by the petitioner, the State Human Rights Commission issued summons to four Police Officers belonging to Karambakudi Police Station. On hearing them, the State Human Rights Commission was pleased to pass the following order:-

In response to the summons issued by this Commission all the four respondents appeared and filed counters denying each and every allegation levelled against them in the complaint and hence the complainant has been asked to prove the complaint allegations. Hence, this complainant has examined himself as PW1 by filing three proof affidavits in lieu of chief examination. When the complainant/PW1 is subjected to cross-examination, he has never been co-operating with the respondents' counsel or with

the Commission and he has been creating scenes during enquiry and he has gone to the extent of threatening the Commission as if he would commit suicide before the very nose of the Commission Member if the respondents were not given instant punishment. Hence this Commission is of the considered view that the complainant is not at all interested in properly prosecuting the complaint before this Commission in the manner known to and recognised by law. Hence this Commission is of the further opinion that in the absence of the co-operation of the complainant, no useful purpose could be served in proceeding further and hence this Commission is of the view that this complaint does not warrant any further enquiry.

4. In the considered view of this Court, the State Human Rights Commission was not able to proceed with the matter due to non-cooperation on the part of the petitioner. It was felt that no useful purpose would be served in keeping the enquiry pending.

5. This Court does not find any ground to interfere with the order passed by the State Human Rights Commission.

6. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.09.2022

Index : Yes / No
Speaking Order : Yes / No
ssb

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N.ANAND VENKATESH, J.

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