



W.P.No.20788 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU  
AND  
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.20788 of 2018

A.Senthil Kumar

.... Petitioner

VS

1. The Chairman,  
National Human Rights Commission,  
Manav Adhikar Bhaan,  
Block- 'C', G.P.O. Complex, INA,  
New Delhi - 110 023.
2. The Chairman,  
State Human Rights Commission,  
143, P.S.Kumarasamy Raja Salai,  
Greenways Road,  
Chennai - 600 028.
3. The Member,  
State Human Rights Commission,  
143, P.S.Kumarasamy Raja Salai,  
Greenways Road,  
Chennai - 600 028.
4. The Superintendent of Police,  
Cuddalore District, Cuddalore.



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5. K.S.Sundararajan,  
Personal Secretary to  
Chairman cum Managing Director  
Corporate Office,  
NLC India Limited,  
Neyveli, Cuddalore District.

6. S.Yogamaya Achariya

..Respondents

Writ Petition filed under Article 226 of the Constitution of India to  
issue a Writ of Certiorari to call for the entire records in pursuant to the  
order dated 17.05.2018 made in S.H.R.C. case No.986 of 2018 passed by  
the 3rd respondent and quash the same.

For Petitioner : Mr.T.P.Prabakaran

For Respondents : Mr.P.Gurunathan  
for R4

No appearance for r1 to R3, R5 & R6.

### ORDER

(The order of the Court was made by J.NISHA BANU,J)

This writ petition has been filed challenging the order passed by the  
3rd respondent/ State Human Rights Commission in S.H.R.C. Case No.986  
of 2018 dated 17.05.2018, rejecting the complaint made by the petitioner.



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2. The case of the petitioner is that a false complaint was given by the 5th respondent by misusing his position and the petitioner was remanded to judicial custody and underwent imprisonment for three days for no fault on his part. The FIR registered against the petitioner was stayed by this Court by observing that the averments made in the complaint cannot implicate the petitioner for the offences under sections 342, 352 and 506(ii) IPC. The petitioner lodged a complaint with the 1st respondent against the persons responsible for causing harassment and imprisonment of the petitioner on 26.02.2018. The said complaint was forwarded to the 2nd respondent by the 1st respondent vide letter dated 26.03.2018 for disposal in accordance with law. The 3rd respondent rejected the complaint simply stating that the subject matter is outside the purview of the Commission. The said observation is unsustainable as the said act on the part of the police amounts to harassment and ill-treatment when there is no specific allegation made against the petitioner. The 1st respondent has forwarded the petitioner's complaint to the 4th respondent directing to 4th respondent to take appropriate action. The said direction given by the 1st respondent to the 4th respondent is inconsistent with the rejection order passed by the 3rd respondent. The petitioner also preferred a complaint to the National



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Commission for Schedule Caste, Chennai against the 5th and 6th respondents and the Chairman, NLC India Ltd. The said complaint was entertained by the Commission and the Director of the said Commission issued a letter dated 05.07.2018 stating that the Commission has decided to investigate the matter. Hence the complaint given by the petitioner to the 1st respondent could not be treated as outside the purview of the respondent Commission. Hence, the present writ petition.

3. Perusal of the impugned order shows that the first respondent had closed the complaint of the petitioner stating that the subject matter is outside the purview of the Human Rights Commission. It is not stated as to how the subject matter is outside the purview of the Human Rights Commission, as the petitioner has been kept in jail for 3 days for no fault of him and the complaint has also been closed as a mistake of fact. Therefore, this Court is of the view that the matter has to be remitted back to the 3rd respondent to consider and pass orders afresh. Hence, the impugned order passed by the 3rd respondent dated 17.05.2018 is hereby set aside. The matter is remitted back to the 1st to 3rd respondents to reconsider the complaint given by the petitioner and pass orders afresh, after giving an



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opportunity of hearing to all the parties concerned. The said exercise shall be done by the respondents within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B.,J.) (N.M.,J.)  
23.08.2023

Index: Yes/No  
Speaking/Non-speaking order  
vsi

To

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