



W.P.No.13730 of 2022 & W.M.P. No.13019 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2023

CORAM

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

**and**

**THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

**W.P.No.13730 of 2022**

**&**

**W.M.P. No.13019 of 2022**

Senthil Kumaran  
Inspector of Police,  
Paramathi Police Station  
Paramathi Velur Taluk,  
Namakkal District 637 204

...Petitioner

Vs.

1. The Registrar  
The State Human Rights Commission,  
No. 143, P.S. Kumarasamy Raja Salai,  
(Greenways Road), Chennai 600 028

2. Mr. C. Periasamy

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India  
praying to issue a Writ of Certiorari calling for the records relating to the  
order of the 1<sup>st</sup> respondent in S.H.R.C. No.5002 of 2019 dated

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13.01.2022 and to quash the same.

|                |                               |
|----------------|-------------------------------|
| For Petitioner | : Ms. Kritika Kamal           |
| For R1         | : Mr.P. Gurunathan            |
|                | Additional Government Pleader |
| For R2         | : Mr. M. Marimuthu            |

### **ORDER**

( R.HEMALATHA, J.)

The present Writ Petition is filed by the petitioner for the issuance of Writ of Certiorari calling for the records in S.H.R.C. No.5002 of 2019 dated 13.01.2022 and to quash the same.

2. The brief facts of the case of the 2<sup>nd</sup> respondent/complainant are as follows:

- i. The 2<sup>nd</sup> respondent/complainant owns agricultural lands in Survey Nos.17/3, 17/4, 17/5 and 17/6 of Kallipalayam Village and on account of a civil dispute with his neighbour Anbumani, he filed a suit in O.S. No.1/2019 against the said Anbumani and others



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before the District Munsif, Paramathy, and also obtained an order of interim injunction restraining the latter from disturbing his peaceful possession and enjoyment of the said lands.

- ii. According to the 2<sup>nd</sup> respondent/complainant, on 11.05.2019, when he was ploughing his land, the said Anbumani and one Pappayee prevented him from doing so and also abused him in filthy language apart from threatening him with dire consequences. He, therefore, lodged a complaint with Senthil Kumar (writ petitioner herein), Inspector of Police, Paramathy Police Station, on 13.05.2019. However, the Inspector of Police did not take action against Anbumani and on the other hand summoned the 2<sup>nd</sup> respondent/complainant to the police station on 14.05.2019 at about 12.30 p.m. and ill-treated him. Hence he filed a complaint before the State Human Rights Commission, Tamil Nadu, (which was numbered as SHRC No.5002 of 2019), praying to take suitable action against the writ petitioner for not taking proper action on his complaint.



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- iii. The present writ petitioner filed a counter contending that on 13.05.2019 he was not available in the police station, and that the complaint was lodged with the Sub Inspector of Police and that on 14.05.2019, at about 12.00 noon, he took up the complaint for enquiry and the 2<sup>nd</sup> respondent/complainant and Anbumani were present in the police station. He requested the 2<sup>nd</sup> respondent/complainant to give a statement in support of his complaint, but, he refused to do so. The Deputy Superintendent of Police also conducted an enquiry with regard to the allegations made by the 2<sup>nd</sup> respondent/complainant and subsequently the complaint preferred by the 2<sup>nd</sup> respondent/complainant was closed on merits. Hence, there was no violation of human rights.
- iv. The State Human Rights Commission, Tamil Nadu, after analysing the evidence on record, vide its orders dated 13.01.2022 in SHRC No.5002 of 2019, held that the present petitioner had violated the human rights of the 2<sup>nd</sup> respondent/complainant by not taking action on the complaint of the 2<sup>nd</sup> respondent and made the following recommendations to the Government.



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*The Government of Tamil Nadu shall pay a compensation of Rs.25,000/- (Rupees Twenty Five thousand only) to the complainant Thiru C. Periasamy within 4 weeks from the date of receipt of a copy of this recommendation and recover the same from the respondent subsequently as per the rules and regulations.*

v. Challenging the same, the present writ petition is filed.

3. Heard Ms. Kritika Kamal, learned counsel appearing for the petitioner, Mr. P. Gurunathan, learned Additional Government Pleader, appearing for the 1<sup>st</sup> respondent and Mr. M. Marimuthu, learned counsel for the 2nd respondent.

4. Ms. Kritika Kamal, learned counsel appearing for the petitioner contended that the order passed by the State Human Rights Commission is totally perverse since the State Human Rights Commission had come to the conclusion that there is a violation of human rights



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merely because the present writ petitioner did not register either CSR or FIR on the complaint lodged by the 2<sup>nd</sup> respondent/complainant and that on the basis of the complaint given by Anbumani, a charge sheet was filed against the 2<sup>nd</sup> respondent/complainant after filing of complaint before the State Human Rights Commission by the 2<sup>nd</sup> respondent. According to her, both the Inspector of Police (petitioner) and the Deputy Superintendent of Police conducted enquiry properly and the complaint of the 2<sup>nd</sup> respondent was found to be mistake of facts and hence was closed. In such circumstances, it cannot be said that there is violation of human rights. She would further contend that the orders of the State Human Rights Commission, Tamil Nadu, is liable to be quashed.

5. Per contra Mr. P. Gurunathan, learned Additional Government Pleader, appearing for the 1<sup>st</sup> respondent would contend that the State Human Rights Commission, after analysing the evidence on record had come to a definite conclusion that the petitioner had violated human rights and there is no reason for this Court to interfere with the same. Therefore, he prayed for dismissal of the present Writ Petition.



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6. Mr. M. Marimuthu, learned counsel for the 2<sup>nd</sup> respondent contended that the petitioner did not initiate action against the rival parties and when there is a complaint and counter complaint, the police took sides and filed a charge sheet only against the 2<sup>nd</sup> respondent and the complaint of the 2<sup>nd</sup> respondent/complainant was closed. He would therefore contend that there is violation of human rights as rightly held by the State Human Rights Commission.

7. It is seen from the records that the specific contention of the 2<sup>nd</sup> respondent/complainant is that on 11.05.2019 at about 5 p.m. he was prevented from ploughing his lands in Kallipalayam Village by his neighbouring land owners Anbumani and one Pappayee and was abused by them in filthy language apart from being threatened with dire consequences. However, he had lodged a complaint with the police only on 13.05.2019. According to the 2<sup>nd</sup> respondent/complainant, the Inspector of Police (present writ petitioner) did not take immediate action on his complaint and on the other hand, he was summoned to the police station on 14.05.2019 by 12.30 p.m. and was ill-treated by the petitioner.



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The 2<sup>nd</sup> respondent/complainant had not at all specified as to how he was ill-treated by the present petitioner. The complaint is bereft of these particulars.

8. It is further seen from the records that on 14.05.2019, an enquiry was conducted by the Inspector of Police with regard to the complaint lodged by the 2<sup>nd</sup> respondent/complainant against Anbumani and the counter complaint lodged by Anbumani against the 2<sup>nd</sup> respondent/complainant. The present Writ Petitioner had come to a conclusion that the allegations made by the 2<sup>nd</sup> respondent/complainant in his complaint are false and therefore, closed the case as "mistake of facts". On the other hand, the complaint of Anbumani was found to be true and hence, the petitioner filed a charge sheet against the 2<sup>nd</sup> respondent/complainant. Merely because the charge sheet was filed subsequent to the filing of the complaint in SHRC No.5002 of 2019, it cannot be stated that there is a violation of human rights as alleged by the 2<sup>nd</sup> respondent/complainant. If at all the 2<sup>nd</sup> respondent is aggrieved by the closure of his complaint, he could have approached the concerned



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Magistrate Court by way of filing a private complaint under Section 200 Cr.P.C. against his neighbouring land owners. He did not do so for the reasons best known to him.

9. Admittedly, there is no specific order given by the learned District Munsif to give police protection to the 2<sup>nd</sup> respondent/complainant and in such circumstances, the State Human Rights Commission cannot give a finding that the police should take action on the complaint preferred by the 2<sup>nd</sup> respondent/complainant, since he had obtained an order of ad-interim injunction against Anbumani. As rightly contended by the learned counsel for the petitioner, such a view taken by the State Human Rights Commission is clearly perverse. When the case of the 2<sup>nd</sup> respondent/complainant had been closed after conducting due enquiry, the State Human Rights Commission should not have come to a conclusion that the present Writ Petitioner had not performed his duty in accordance with law. The observations of the State Human Rights Commission cannot stand for a moment's scrutiny and therefore, is liable to be quashed.



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10. In the result, the Writ Petition is allowed. No costs. Consequently connected miscellaneous petition is closed. The order dated 13.01.2022 of the State Human Rights Commission in S.H.R.C. No.5002 of 2019, is quashed.

(V.M.V.,J.) (R.H.,J.)  
10.02.2023

Index: Yes/No  
Internet: Yes/No  
Speaking/Non-Speaking order  
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**V.M.VELUMANI, J.**  
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To

The Registrar  
The State Human Rights Commission,  
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