



W.P.No.22776 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2023

CORAM

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

W.P.No.22776 of 2023
and
W.M.P.No.22233 of 2023

Vijayakumari,
Then Inspector of Police,
All Women Police Station,
Madipakkam,
Chennai.

.... Petitioner

vs

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

2. K.Sujatha,
D/o T.Kadumbadi.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
to issue a Writ of Certiorari to call for the records pertaining to the order



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passed by the 1st respondent dated 10.08.2022 in SHRC case No.339 of 2019

and to quash the same as illegal incompetent and ultravires.

For Petitioner : Mr.R.Jayaprakash,
for Mr.K.Suthan

For Respondents : Mr.N.Subramanian for R1
Mr.K.Shivakumar,
Legal Aid Counsel for R2

ORDER

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

This writ petition has been filed challenging the order of the 1st respondent/ State Human Rights Commission, by which, the Additional Chief Secretary to Government, Home Department, Secretariat, Chennai was directed to pay a compensation of Rs.25,000/- to the 2nd respondent/complainant and to recover the same from the petitioner herein.

2. The brief facts of the case is that the 2nd respondent filed a complaint with the 1st respondent alleging that she lodged a complaint with All Women Police Station, Madipakkam, on 11.12.2018 to take action against her husband for illegally marrying another women during the subsistence of her marriage with him but the petitioner failed to take appropriate action against the 2nd respondent's husband for bigamy and that the petitioner also scolded the 2nd respondent and her father with bad words. According to the



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petitioner, the allegations of the 2nd respondent is baseless and a detailed counter was filed before the 1st respondent denying all the allegations of the 2nd respondent. But without considering the merits of the case, the 1st respondent passed the impugned order directing the Government to pay Rs.25,000/- to the 2nd respondent as compensation and to recover the said amount from the petitioner. The 2nd respondent is having matrimonial dispute from the year 2014 and divorce proceedings are pending and further, domestic violence proceedings are also pending. Therefore, the order of the 1st respondent suffers from infirmity. Hence, the present writ petition has been filed.

3. We have considered the submissions made on either side and perused the materials available on record.

4. It is not in dispute that initially, based on the complaint of the 2nd respondent dated 29.02.2016, C.S.R.No.81/W3/AWPS was given and subsequently, the 2nd respondent withdrew her complaint on 14.03.2016 stating that she will seek remedy through Court as divorce case filed in HMOP No.93/2016 is pending before the Sub-Court, Tambaram. The withdrawal of the complaint dated 29.02.2016 was also admitted by the 2nd respondent in her deposition. After three years, another complaint was given by the 2nd



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respondent on 09.02.2019 before the Commissioner of Police and the same was forwarded to the petitioner and only during enquiry, it is alleged that the petitioner had uttered abusive words against the 2nd respondent and her father. However, it is stated that the petitioner was not posted in Madipakkam police station when the first complaint was given during 2016. Further, on receiving the petition from Commissioner of Police during 2019, the petitioner had taken action by calling the 2nd respondent and her husband to the police station on 03.05.2019 and conducted enquiry and according to the petitioner, during enquiry, the allegation of remarriage of the 2nd respondent's husband was not proved. Further, the petitioner denied the allegation that she used abusive language against the 2nd respondent and her father.

5. From the above facts, it is evident that the 1st respondent, without considering the oral evidence of the petitioner and believing the statement of the 2nd respondent, came to the conclusion that the petitioner used abusive language against her and her father and violated human rights of the 2nd respondent. The allegation against the petitioner that she used abusive language against the 2nd respondent was also not properly proved. Therefore, we are of the view that the petitioner is not liable to pay compensation to the



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2nd respondent. It is seen from the counter affidavit filed by the 2nd respondent that the Government had already paid the compensation amount as ordered by the 1st respondent to the 2nd respondent. In view of the fact that the allegation against the petitioner is not proved, the order of recovery of the amount from the petitioner cannot be sustained.

6. With the aforesaid observation, the impugned order dated 10.08.2022 is hereby set aside. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B., J.) (N.M., J.)
01.11.2023

vsi

Index : Yes / No

Internet : Yes / No

To
The Registrar,
State Human Rights Commission,
Thiruvaramangam,
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