



W.P. No.23769 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

W.P.No.23769 of 2022
and
W.M.P.No.22736 of 2022

D.Suresh Kumar

... Petitioner

Versus

1.The State Human Rights Commission Tamil Nadu,
Rep. by its Judicial Member,
No.143, P.S. Kumarasamy Raja Salai,
Chennai – 600 028.

2.Rathna Anbazhagan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Prohibition, prohibiting the 1st respondent from proceeding with the Case No.13052/22/6/2021/HC2 against the petitioner.

For Petitioner : Mr.K.Selvaraj

For Respondent-1 : Mrs.S.R.Sumathy

For Respondent-2 : Mr.E.Balamurugan



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ORDER

(Order of the Court was delivered by R.HEMALATHA, J.)

Writ Petition is filed for issuance of Writ of Prohibition, to prohibit the 1st respondent from proceeding with the Case No.13052/22/6/2021/HC2 against the petitioner.

2. Heard the learned counsel appearing for the petitioner as well as the learned counsels appearing for the respondents and perused the entire materials on record.

3. The writ petitioner is the first respondent in S.H.R.C. Case No.13052/22/6/2021/HC2 on the file of State Human Rights Commission, Chennai Bench. The second respondent filed a complaint before the State Human Rights Commission stating that the present writ petitioner has violated his human rights. The complaint was taken on file. A detailed counter was also filed by the respondents therein before the State Human Rights Commission, Tamilnadu.



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4. A perusal of the records shows that the complainant filed her Proof Affidavit on 16.08.2022 and the matter was posted for cross-examination on 23.08.2022. On 23.08.2022 though the complainant was not present, the Proof Affidavit filed by her was withdrawn by her counsel. Therefore, the matter was posted for arguments. Aggrieved over the same, the present writ petition is filed by the first respondent in S.H.R.C. Case No.13052/22/6/2021/HC2 for issuance of Writ of Prohibition, prohibiting the 1st respondent from proceeding with the Case No.13052/22/6/2021/HC2 against the petitioner.

5. Learned counsel appearing for the writ petitioner contended that unless the petitioner is given an opportunity to cross examine the complainant, he would not be in a position to establish his case before the State Human Rights Commission. It is further contended by him that the State Human Rights Commission is not ready to hear him and on the contrary posted the matter for arguments.

6. Per contra, the learned counsel appearing for the complainant/second respondent would contend that the second respondent



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will once again file a fresh Proof Affidavit and that the writ petitioner can cross examine the witnesses. This was accepted by the learned counsel appearing for the writ petitioner.

7. Recording the same, the Writ Petition is dismissed with a direction to the second respondent to file a fresh Proof Affidavit, as undertaken by her and the State Human Rights Commission is requested to give sufficient opportunity to the writ petitioner to cross examine the witnesses. No costs. Consequently, connected miscellaneous petition is closed.

(V.M.V., J) (R.H., J)
25.01.2023

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

To

The Judicial Member,
The State Human Rights Commission, Tamil Nadu,
No.143, P.S. Kumarasamy Raja Salai,
Chennai – 600 028.



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**V.M.VELUMANI,J.
and
R.HEMALATHA,J.**

rsi

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