



W.P.No. 29565 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

W.P.No. 29565 of 2023

R.Rajan

... Petitioner

Vs

1.State Human Rights Commission,
Rep. by its Registrar,
143, P.S.Kumarasamy Raja Salai,
Greenways Road, Adyar,
Chennai – 600 028.

2.The Inspector General of Police,
Madurai, South Zone,
4th Street, KK Nagar,
Ramaond Reserve Line,
Race Course Colony, Madurai.

3.The Superintendent of Police,
Kanyakumari District.



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4. The Inspector of Police,
South Thamaraikulam Police Station,
Kanyakumari District.

5. The Inspector of Police,
Thuckaly Police Station,
Kanyakumari District.

6. The Inspector of Police,
Kottar Police Station,
Kanyakumari District.

7. Samson Jebadoss
Formerly worked at:
Sub Inspector of Police,
Special Team, O/o The Superintendent of Police,
Kanyakumari District.

Currently working at:
Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.

8. Muthuraj
Formerly worked at:
Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.



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Currently working at:

Inspector of Police,
Boothapandy Police Station,
Kanyakumari District.

9.Vijayan

Formerly worked at
Sub Inspector of Police,
Special Team, O/o The Superintendent of Police,
Kanyakumari District.

10. Mohanmumar

Formerly worked at:
Head Constable,
Special Team, O/o The Superintendent of Police,
Kanyakumari District.

11.Suresh @ Pottu Suresh,

Formerly worked at:
Special Sub Inspector,
Q Branch,
Special Team, O/o The Superintendent of Police,
Kanyakumari District.

12.Natarajan

Formerly worked at:
Police Head Constable,
Special Team, O/o The Superintendent of Police,
Kanyakumari District.

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order in S.H.R.C. Case No.449/2016 and 5757/2017 dated 07.12.2021 on the file of 1st respondent Commission and to quash the same and to direct the respondent No.3 to take appropriate legal action against the respondents No.7 to 12 for violation of law and for illegal custodial torture on the petitioner.

For Petitioner : Mr. P.S.Kothandraman
For Respondents : Mr.T.Balaj for R1
Mr.S.Rajkumar for R2 to R6
Additional Public Prosecutor

ORDER

(Order of the Court was made by J.Nisha Banu,J)

This Writ Petition has been filed challenging the impugned order in S.H.R.C. Case No.449/2016 and 5757/2017 dated 07.12.2021 passed by the 1st respondent/State Human Rights Commission and consequently, direct the 3rd respondent to take appropriate legal action against the respondents No.7 to 12 for violation of law and for illegal custodial torture on the petitioner.

2. Learned counsel for the petitioner would submit that the petitioner has been falsely implicated in Cr. No.669/2015 on the file of



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the Suchindram Police Station. The respondents 7 to 12 illegally detained the petitioner and his wife and minor daughter from Bangalore and brought them to Tamaraikulam Police Station and then to Thuckaly Police Station and registered two more false cases against the petitioner. The respondents 7 to 12 smashed the right knee of the petitioner with iron rod and the petitioner was admitted in the KKMCH where the petitioner was medically treated with surgery to realign his knee, due to which, he became permanently disabled.

3. While so, the petitioner's wife made a complaint to the Tamil Nadu State Human Rights Commission regarding the inhuman cruelty happened to the petitioner on 30.11.2015. Thereafter, the respondents No.7 to 12 again illegally detained the petitioner and his wife and daughter on 01.07.2016 for more than 33 days and the 6th respondent again registered a false case against the petitioner at the instigation of respondents 7 to 12 in Crime No.551/2016 to threaten the petitioner. Thereafter, the petitioner made a complaint to the Tamil Nadu State Human Rights Commission against the respondents 7 to 12 on 10.07.2017 in SHRC case No.5757/2017 which was kept in abeyance



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without any further inquiry. On 16.03.2022, the petitioner requested the information under RTI Act regarding the status of the SHRC Case No. 5757/2017. After a period of more than one year, a reply has been received from State Human Rights Commission vide Letter dated 28.07.2023 stating that SHRC case No.5757/2017 was closed on 07.02.2021. The 1st respondent Commission arbitrarily passed the non-speaking impugned order dated 07.12.2015 based on the Enquiry Report given by the Inspector. Aggrieved by the same, the petitioner has filed the present writ petition.

4. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

5. A perusal of the record would go to show that based on the Enquiry Report, the 1st respondent/State Human Rights Commission has passed a non-speaking impugned order stating that no further enquiry is required under Section 17(i) (b) of the Protection of Human Rights Act, 1993 and the complaint made by the petitioner is liable to be



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dismissed. The said impugned order dated 07.12.2015 is a non-speaking cryptic order, which is in our view cannot be countenanced and the same is liable to be set aside.

6. Accordingly, the impugned order dated 07.12.2015 is set aside and the 1st respondent is directed to give an opportunity to the parties concerned and shall pass orders on merits and in accordance with law. The said exercise shall be completed within a period of six(6) months from the date of receipt of a copy of this order. No costs.

Index : Yes / No
msv

(J.N.B,J.) (N.M., J.)
07.12.2023

To

1.The Registrar,
State Human Rights Commission,
143, P.S.Kumarasamy Raja Salai,
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N.MALA,J.
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