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W.P.(MD)Nos.18065 & 21311 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)Nos.18065 & 21311 of 2022

and

W.M.P.(MD)Nos.13174 & 15452 of 2022

J.Ravi Kumar

... Petitioner in W.P.(MD)No.18065 of 2022

Sureshkumar

... Petitioner in W.P.(MD)No.21311 of 2022

Vs.

1.The State Human Rights Commission,

Rep. by its Registrar (Law),

No.143, PS Kumarasamy Raja Salai,

Green Way Road, Chennai-600028.

2.K.Kavaskar

...Respondents

in W.P.(MD)No.18065 of 2022

1.The Assistant Registrar (Law),

The State Human Rights Commission,

Tamil Nadu, Thiruvarangam,

No.143, PS Kumarasamy Raja Salai,

Greenways Road, Chennai-600028.

1/8



W.P.(MD)Nos.18065 & 21311 of 2022

2.The Secretary to the Government,
Home Department, Fort St.George,
Chennai.

3.The Superintendent of Police,
Thoothukudi District.

4.K.Kavaskar

... Respondents

in W.P.(MD)No.21311 of 2022

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 1st respondent in SHRC Case No.2667 of 2016 dated 17.06.2022 and quash the same.

For Petitioner : Mr.S.Ramsundarvijayaraj
(in W.P.(MD)No.18065 of 2022)

For Petitioner : Mr.R.Anandharaj
(in W.P.(MD)No.21311 of 2022)

For R1 : Mr.V.Muthuvelan,
Standing Counsel (both W.Ps.)

For R2
(in W.P.(MD)No.18065 of 2022)

& For R4 : Mr.KA.Ramakrishnan
(in W.P.(MD)No.21311 of 2022)

For R3 : Mr.M.Veeranthiran,
(in W.P.(MD)No.21311 of 2022) Government Advocate (CrI.Side)



W.P.(MD)Nos.18065 & 21311 of 2022

COMMON ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The issues raised in the present Writ Petitions are no more *res-integra* and in respect of the same order dated 17.06.2022 passed in SHRC.No.2667 of 2016, the Division Bench of this Court passed an order in W.P.(MD)No.18423 of 2022, dated 16.08.2022. The said order is as follows:-

“This Writ Petition is filed for issuance of a Writ of Certiorari to quash the impugned order, dated 17.06.2022 passed in S.H.R.C.No.2667 of 2016, by the State Human Rights Commission.

2.Heard Mr.A.Sankara Ramasubramanian, learned Counsel for the petitioner and Mr.C.Arul Vadivel @ Sekar, learned Counsel, who takes notice on behalf of first respondent. By consent of both parties, the present Writ Petition is taken up for final disposal at admission stage itself.

3.The Writ Petitioner is the third respondent before the first respondent in a petition filed by the second respondent in S.H.R.C.Case No.2667 of 2016. As per the complaint given by the second respondent before the State Human Rights Commission, the



W.P.(MD)Nos.18065 & 21311 of 2022

WEB COPY

complainant's two brothers and others were sticking notice of a film near Old Bus Stand in Tuticorin. It is the case of the second respondent that the petitioner at that time demanded bribe from the complainant's brothers and since they were refused to give bribe, the complainant's two brothers were taken to the Outpost in the Old Bus Stand, Tuticorin and the petitioner called upon other police men and assaulted the complainant's two brothers with iron rod. It is also the case of the second respondent that his two brothers were taken to the Central Police Station, Tuticorin and a case in Cr.No. 289 of 2016 for the offences punishable under Sections 294(b), 323, 307 and 506(ii) IPC was also registered against them falsely.

4.The fact that the complainant and his brothers were assaulted by the police, when they were in their custody was established before the Commission by acceptable evidence. It is to be noted that the complainant's brothers reported injury before the learned Judicial Magistrate at the time of remand. The Doctors, who examined the complainant's brothers has certified that the complainant's brothers' right hand was broken. The Doctor, who gave treatment to the Writ Petitioner gave evidence to the effect that



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there was no external injury to the Writ Petitioner. This falsifies the case registered against the complainant.

5. Therefore, the Commission after considering the entire evidence on record, came to the conclusion that the petitioner along with two others assaulted the complainant's brothers, while they were in their custody and the complainant's brother's right hand was broken due to physical violence when they were in custody. Coupled with the fact that a false case had been foisted against the complainant's brothers, as if the petitioner was assaulted, this Court is unable to interfere with the order of Commission. The findings of the Commission is supported by material evidence. The evidence of the Doctor, who examined the petitioner, falsify the case that the petitioner suffered external injury.

5. From the evidence and materials produced before the Commission, the Commission has arrived at a specific finding on the basis of material evidence and directed the State to pay a compensation of Rs.5,00,000/- to PW-2, who was beaten/assaulted badly to the extend of breaking his hand.

6. Having regard to the limited scope of judicial review,



W.P.(MD)Nos.18065 & 21311 of 2022

this Court is of the view of that the conclusions reached by the Commission are supported by evidence and no perversity or irregularity in the proceedings is pointed out. The compensation awarded to the complainant's brother is on the basis of nature of injury suffered by him and this Court is unable to find any reason or material irregularity in the decision making process to interfere with the order of first respondent. Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.”

2.In view of the order cited supra, these Writ Petitions are dismissed.

No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (V.L.N., J.)

22.11.2023

(2/2)

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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6/8



W.P.(MD)Nos.18065 & 21311 of 2022

To

1.The Secretary to the Government,
Home Department, Fort St.George,
Chennai.

2.The Superintendent of Police,
Thoothukudi District.



WEB COPY



W.P.(MD)Nos.18065 & 21311 of 2022

S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

Yuva

W.P.(MD)Nos.18065 & 21311 of 2022

22.11.2023
(2/2)