



W.P.No.1560 of 2024

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records relating to impugned order dated 17.05.2023 passed in SHRC Case No.12562 of 2019 by the 1st respondent and quash the same.

For Petitioner :: Mr.K.Prasanthan

For Respondents :: No appearance for R1
Mr.R.Vigneswaran
Government Advocate for R2
Mr.R.Muniyapparaj
Additional Public Prosecutor
for R3
Mr.S.Parthasarathy for R4

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

This writ petition is filed challenging the order of the State Human Rights Commission dated 17.05.2023 in SHRC Case No.12562 of 2019.

2. Brief facts that are necessary for the disposal of this writ petition are as follows:-

The fourth respondent in this writ petition lodged a complaint before the first respondent-SHRC. In the complaint, it is stated that when the



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complainant along with two others were travelling in the Mitsubishi Outlander car, they were intercepted by the second petitioner and another policeman in mufti. According to the complainant, the second petitioner abused the complainant, snatched the driving licence from the driver and made him to sit in the check post for more than 1 ½ hours unnecessarily. It is the case of complainant that he was harassed by the police on 21.11.2019 and later, the first petitioner herein who came to the spot, tried to assault the complainant. It is stated that the complainant was then taken to Police Station and kept under unlawful custody even on the next date till midnight without permitting the complainant to use his mobile. Thereafter, the complainant alleged severe beating and other acts of human right violation. His further allegation is that the first petitioner and another policeman took the complainant to a hotel and the complainant was asked to pay a sum of Rs.50,000/- for releasing the vehicle and not to register any case. It was further alleged that the writ petitioners took the complainant to Pandalur Government Hospital for treatment and the police ill-treated him in front of the public, even though the complainant had not committed any crime. It is also the case of petitioner that the first petitioner herein instructed the



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policemen to bring the petitioner handcuffed before the public. Even though the writ petitioners filed a detailed counter affidavit, the State Human Rights Commission by an order, without much reasons, recommended the Government to pay compensation of Rs.3,00,000/- to the complainant and to recover the said amount from the petitioners. Aggrieved by the same, the petitioners earlier filed a writ petition in W.P.No.32709 of 2022 and this Court, after considering the fact that the first respondent-SHRC has not applied its mind while considering the entire case on records, passed an order, which is not elaborate, reflecting the consideration of all factual issues. However, this Court found that the order of State Commission dated 06.10.2022 cannot be sustained and remitted the matter again before the first respondent-SHRC for fresh disposal. After the disposal of the writ petition as above, the matter was reheard by the State Human Rights Commission. The first respondent, after elaborately considering the evidence of witnesses and materials, concluded that the complainant was entitled to payment of compensation of Rs.3,00,000/-, as he was put to humiliation and suffered human rights violation at the hands of the petitioners. The Government of Tamil Nadu who was directed to pay the said sum was



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permitted to recover a sum of Rs.2 Lakhs from first petitioner and a sum of Rs.1 Lakh from second petitioner. This writ petition is challenging the order of first respondent.

3. The learned counsel appearing for the petitioners is unable to demonstrate before this Court any irregularity or perversity in the findings of the first respondent-SHRC. It is also seen that the petitioners were given adequate opportunity and the petitioners have also filed their written submissions. This Court finds that the first respondent has given sufficient reasons in support of its recommendations. This Court on a careful consideration of pleadings and evidence is unable to find any irregularity either in the decision or in the decision-making process. The petitioners ought to have put forth all the documents and produced reliable witnesses which are within their reach before the first respondent at the time of enquiry. In the absence of such an effort, the learned counsel appearing for petitioners cannot now plead that the petitioners were not given sufficient opportunity by the first respondent-SHRC, without any material. The fact that the complainant was harassed and kept under custody is not in dispute.



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The way in which he was treated has been spoken to by witnesses. A criminal complaint had been lodged against complainant for misbehaviour and for abusing policemen in the check post with drunken mood. The medical certificate shows that the complainant, though had consumed alcohol, was not under the influence of alcohol. The conduct of petitioners, as seen from the attending circumstances, prove every allegation made by complainant. In such circumstances, this Court finds no merits or substance in this writ petition. Accordingly, the writ petition stands dismissed. Consequently, interim order stands vacated and the W.M.P.No.1581 of 2024 is also dismissed. No order as to costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
01.04.2024

ss

To

1. The Registrar
Tamil Nadu State Human Rights Commission
143, P.S.Kumarasamy Salai
Greenways Road
Chennai 600 028



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2. The Principal Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009
3. The Director General of Police
No.1, Dr.Radhakrishnan Salai
Mylapore, Chennai 600 004



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S.S.SUNDAR,J.

AND

N.SENTHILKUMAR,J.

SS

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01.04.2024