



W.P.No.6130 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.6130 of 2020

and

W.M.P.No.7196 of 2020

in

W.P.No.6130 of 2020

S.Arumugam

S/o.Late R.Subbiah Pillai

... Petitioner

Vs.

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

2. G.Sarojammal
W/o.Govindasamy

... Respondents

Prayer :

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining the order passed by the 1st respondent in S.H.R.C Case No.9248 of 2014 and quash the order dated 08.01.2020.

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For Petitioner : Mr.Rajkumar Paul
For Respondents : Mr.S.Wilson
standing counsel, for R1
R2 - No Appearance

ORDER

[Order of the Court was made by **K.RAJASEKAR, J.,**]

Challenging the order dated 08.01.2020 passed in SHRC Case No.9248 of 2014 by the first respondent - 'State Human Rights Commission' [hereinafter 'SHRC' for the sake of brevity], the present writ petition has been filed by writ petitioner herein, who is respondent in SHRC Case No.9248 of 2014.

2. While the writ petitioner was serving as a Special Sub-Inspector at P6, Kodungaiyur Police Station, he has received a complaint dated 25.10.2024 from the second respondent herein [hereinafter 'complainant' for the sake of brevity]. According to the complainant, she is aged about 72 years, she was physically attacked by her neighbour, namely Banu on 18.10.2014 due to civil dispute. She was admitted in the Government Rajiv Gandhi Hospital and one police constable attached to Kodungaiyur Police Station had recorded her statement while undergoing treatment. This statement was handed over to the writ petitioner herein for investigation.

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Instead of registering the complaint and conducting investigation, the writ petitioner has registered the complaint lodged by said Banu in Crime No.1603 of 2014 for offences under Sections 341, 294(b), 324 and 506(ii) of IPC on the file of Kodungaiyur Police Station. Since the complaint lodged by complainant herein has not been registered and investigated by writ petitioner, her son Parthasarathy had approached the writ petitioner on 25.10.2014 and enquired about the status of the complaint. Instead redressing the grievance of complainant's son, the writ petitioner has abused her son and ill treated him. Subsequently, instead of registering an FIR, enquiry was initiated in CSR No.1352 of 2014, but no action was taken up against the said Banu. The enquiry was also closed stating that the dispute between the parties is civil dispute.

3. Aggrieved over the inaction of writ petitioner against the complaint lodged by the complainant herein and also for abusing the complainant's son, a petition dated 19.12.2024 against the writ petitioner was lodged before the SHRC.

4. Based on the petition dated 19.12.2024, SHRC has taken cognizance of allegations of human rights violation and issued a notice to



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the writ petitioner herein. In the enquiry, the writ petitioner has also participated. On the side of complainant, PW1 to PW3 were examined and Ex.P1 to Ex.P3 were marked and on the side of respondent (writ petitioner), Ex.R1 to Ex.R4 were marked but no witness was examined.

5. After considering the evidence placed on record, SHRC has satisfied with the allegations levelled against the writ petitioner herein and held that the complainant's human rights have been violated by the writ petitioner herein and ordered compensation of Rs.10,000/- to the complainant and further disciplinary action was also ordered against the writ petitioner as per Rules.

6. Challenging the impugned order, this writ petition has been filed on the ground that the complaint lodged by the complainant is motivated one and it has not been established before SHRC. It is also stated that there are severe allegations and counter allegations between complainant and one Banu. The matter pertains to civil dispute and after considering the nature of the dispute, no action was taken and there is no human rights violation caused against the complainant or her son. It is also contended that in the month of July 2014 itself, there were complaints filed against each other and



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it was registered as CSR.No.709 of 2014 and CSR.No.711 of 2014 against the complainant and Banu respectively. During enquiry, both the parties have entered into a compromise, hence, further action was dropped in both CSR's. Subsequently, on 07.08.2014, the complainant herein had attacked Banu and caused severe injuries which resulted in registration of a criminal case in Crime No.1603 of 2014 for offences under Sections 341, 294(b), 324 and 506(ii) on the file of Kodungaiyur Police Station. For the purpose of countering the above complaint, the complainant herein has come forward with false complaint dated 21.10.2024, which was properly investigated and it was found to be false, hence, the same was closed.

7. Heard Mr.Rajkumar Paul, learned counsel on record for writ petitioner and Mr.S.Wilson, learned standing counsel for R1. We have also gone through the evidence recorded before SHRC.

8. Though several contentions were raised before SHRC, on perusal of the impugned order, it came to light that the writ petitioner herein has not come forward to adduce any contra evidence against the evidence adduced by the complainant.



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9. The impugned order shows that the complainant herself was examined as PW1 and stated about the recording of her statement by the official of Kodungaiyur Police Station and no action was taken with regard to the same. She further stated that her son had also enquired with the writ petitioner, for which, he was abused by the writ petitioner. To corroborate her evidence, Parthasarathy (complainant's son) was examined as P.W.3. He also stated that the incident took place on 25.10.2014 at Kodungaiyur Police Station and that he was insulted by the writ petitioner and deliberately, the writ petitioner has failed to take action on the complaint of complainant. Apart from the evidence of P.W.1 and P.W.3, the complainant has also examined P.W.2, who is one of private witnesses and he has also stated about the incident taken place at the Kodungaiyur Police Station on 25.10.2014 when P.W.3 went to the police station to enquire about the status of the complaint. Though P.W.1 to P.W.3 deposed the relevant facts such as non-registration of complaint and incident taken place on 25.10.2024 at the Kondungaiyur Police Station, writ petitioner has not adduced any evidence against the complainant to contradict the evidence of P.W.1 to P.W.3. He has also not come forward to adduce any evidence to support his case that,



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the allegations of human rights violations made against him are motivated or false. This was taken note by SHRC and in the absence of any contradicting evidence, SHRC has rightly accepted the evidence placed on record on the side of complainant before it. Though Ex.R1 to Ex.R3 - statements recorded under Section 161 Cr.PC in the case lodged by said Banu was produced and FIR which was registered against the complainant herein was relied on, there is no evidence available on record to discard the incident taken place on 25.10.2014 at the police station. SHRC has also recorded that the complaint lodged by the complainant herein has made out cognizable offences and as per Section 154 of Cr.PC, the writ petitioner being a Station House Officer, failed to register the complaint and to proceed with the investigation.

10. Admittedly, no FIR had been registered by the writ petitioner herein and there is also no evidence to disprove the allegations of insulting the complainant's son at the police station on 25.10.2014 and writ petitioner failed to probablise his contention. SHRC rendered finding that there is ample evidence available on record against the writ petitioner to show that he had violated the human rights of complainant. Based on this finding,



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SHRC has rightly awarded compensation to the complainant and also ordered further disciplinary proceedings against the writ petitioner herein.

To be noted, writ petitioner has also not pointed out any perversity in the impugned order passed by the SHRC.

11. In this view of the matter, findings of SHRC are based on the evidence and there is no perversity in the impugned order warranting interference by this Court thereby, writ petition has no merits and liable to be dismissed.

Accordingly, this Writ Petition is dismissed. Consequently, connected Writ Miscellaneous Petition is closed. There shall be no order as to costs.

(M.S.,J.)

(K.R.S.,J.)

17.12.2024

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

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To

WEB COM
The State Human Rights Commission
Thiruvarangam
No.143, P.S.Kumaraswamy Raja Salai
Greenways Raod, Chennai-600 028.



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K.RAJASEKAR, J.,

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