



W.P.Nos.4289 & 4715 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.Nos.4289 & 4715 of 2023

Thiru Gopal Guru
Then Inspector of Police
Kodambakkam Police Station
Chennai District 600 024 .. Petitioner in WP.4289/2023

Thiru.Ambedkar
Then Sub-Inspector of Police
Kodambakkam Police Station
Chennai District 600 024 .. Petitioner in WP.4715/2023

v.

1. The Principal Secretary to Government of Tamil Nadu
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009

2. The Registrar
State Human Rights Commission
No.143, P.S.Kumarasamy Raja Salai
Chennai 600 028

3. Thiru.Syed Sadiq
S/o Sayeed Abdul Azzez



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Proprietor: A1 Aziz Hajj and Umrah Services

No.32/375, 1st Floor

Arcot Road, NSK Salai

Kodambakkam, Chennai 600 024 .. Respondents in both the W.P's

Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records relating to the impugned recommendation in SHRC Case No.8260 of 2018 passed by the State Human Rights Commission dated 20.10.2022 and to quash the same.

For Petitioners :: Mr.G.Murugesh Kumar

For Respondents :: Mr.R.Vigneswaran
Government Advocate for R1
Mrs.S.Sharada Vivek for R2
Ms.A.Shabnam Banu for R3

COMMON ORDER

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

These writ petitions are filed challenging the order passed by the State Human Rights Commission in SHRC Case No.8260 of 2018 dated 20.10.2022 holding that the writ petitioners have committed human rights violations.



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

The petitioner in W.P.No.4289 of 2023 is serving as Inspector of Police and the petitioner in W.P.No.4715 of 2023 is serving as Sub Inspector of Police. The third respondent herein lodged a complaint before the State Human Rights Commission alleging human rights violations against the writ petitioners, which was taken on file in SHRC Case No.8260 of 2018, wherein the complainant stated that he was running a business along with his brother and father. The nature of business is to facilitate Hajj pilgrimage and umrah service for devotees and the complainant would arrange the travel of pilgrims to Saudi Arabia as a tour package. During the month of March, 2018, the complainant had arranged for the travel of 10 tourists to Saudi Arabia for performing Hajj pilgrimage after collecting the package cost from them. While so, just 12 hours before the date of departure on 16.03.2018, one of the tourists by name Syed Abdul Kather had approached the complainant and asked for refund of money on the ground that he did not wish to travel as per plan. The complainant, of course, admits that at the instance of the said Syed Abdul Kather, there was chaos and that



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reduced the package from 14 days to 10 days. Therefore, he did not wish to travel and asked for return of money. It is also admitted by the third party that the complainant had agreed to return a sum of Rs.90,000/- out of the total amount collected from him.

4. The nature of complaint lodged by the third party indicates that the third respondent/complainant had not committed any heinous crime and it is admitted that the third party has not proceeded further to prosecute the criminal complaint against the third respondent. Before the State Human Rights Commission, the third respondent/complainant produced enough records to show that he suffered human rights violations at the hands of writ petitioners. However, this Court only sees the conduct and attempt made by the petitioners to mislead the proceedings by marking a complaint as against the third respondent/complainant. The complaint against the third respondent is almost civil in nature. Without registering First Information Report, the writ petitioners detained the third respondent, who has given a complaint disclosing serious offences. The third respondent has produced several documents. The petitioners have produced a complaint of Syed



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Abdul Kather, whereas the said complaint is signed by one Abdul Samad.

The learned counsel appearing for the petitioners is unable to convince this Court about any irregularity either in the decision or in the decision making process. Though the petitioners have raised some grounds, this Court is unable to find any material doubting the alleged ill-treatment and human rights violations when the third respondent was brought to the police station. This Court finds that the writ petitioners without an application of mind has treated the third respondent as if he committed a heinous crime, even though no serious allegations were made by the third party against the third respondent. The complainant claims that the incident was exaggerated. As rightly held by the Commission, the writ petitioners have failed to protect the complainant by preventing the false narrative being publicized and the reputation of the complainant has been shattered by the conduct and attitude of the writ petitioners, which is deplorable. The complainant is the victim of harassment and the writ petitioners did nothing to defuse the situation, thereby failed to protect the third respondent/complainant, having regard to the nature of complaint and the fact that the third respondent was made to pay a sum of Rs.90,000/- which had been spent for his customers.



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Having regard to the findings of the State Human Rights Commission on appreciation of evidence, this Court finds no merits in these writ petitions.

Accordingly, both the writ petitions are dismissed. In view of the dismissal of the writ petitions, interim order stands vacated and the W.M.P.Nos.4333 & 4726 of 2023 are also dismissed. No costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
26.07.2024

ss

To

1. The Principal Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009
2. The Registrar
State Human Rights Commission
No.143, P.S.Kumarasamy Raja Salai
Chennai 600 028



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S.S.SUNDAR,J.

AND

N.SENTHILKUMAR,J.

SS

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