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W.P.No.23892 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2024

CORAM :

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

W.P.No.23892 of 2018

K.Anandan .. Petitioner

-VS-

1. Tamil Nadu State Human Rights Commission
No.143, P.S.Kumarasamy Raja Salai
Greenways Road, Chennai 600 028

2. Government of Tamil Nadu
rep.by its Principal Secretary
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009

3. Mr.Arjunan
S/o Subramani .. Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Certiorari, calling for the records of the first
respondent in order dated 11.06.2018 passed in SHRC No.2983 of 2011
and quash the same in respect of the petitioner alone.



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For Petitioner :: Mr.R.Ganesh Kumar
For Respondents :: Mrs.V.Yamuna Devi
Special Government Pleader
for R1 & R2
Ms.U.Anunitha for R3

ORDER

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

This writ petition is directed against the order of State Human Rights Commission in the complaint in S.H.R.C.No.2983 of 2011 dated 11.06.2018.

2. The complainant is an auto driver, who came up with the complaint alleging human rights violation by the petitioner, who was the then Sub Inspector of Police in H1, Old Washermenpet Police Station. The recommendation of the Commission is that the Government of Tamil Nadu should pay a compensation of Rs.2,00,000/- with liberty preserved to the Government to recover the amount from the petitioner. The petitioner is now aggrieved by the other direction of the State Human Rights Commission to initiate disciplinary action against the petitioner himself.



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3. This Court, after hearing the parties for sometime, found that the petitioner and the contesting respondent are willing for compromise and therefore passed an order on 06.02.2024 referring the matter to mediation. Accordingly, before the mediator, the parties have entered into a joint compromise recording the terms and the joint compromise memo dated 11.03.2024 is filed before this Court. The said joint compromise memo is signed by the petitioner and the third respondent in the presence of their respective counsels. As per the memorandum of compromise, the petitioner and the third respondent have agreed to the following terms:-

“(a) The petitioner shall pay a sum of Rs.2,75,000/- (Rupees Two Lakhs Seventy Five Thousand Only) to the 3rd respondent on 11.03.2024 by way of cash in the presence of wife of 3rd respondent, his counsel and mediator.

(b) The 3rd respondent shall execute the receipt of acknowledgment for the proof of payment received by him with an endorsement made herein and as well as by execution of a receipt separately.

(c) The 3rd respondent shall also file an appropriate petition to allow the writ petition or dispose of the same



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to set aside the recommendation made by the 1st respondent as against the petitioner without any prejudice to his rights.

(d) The 3rd respondent shall give an assurance of undertaking that he would withdraw all the complaints and litigations if any towards the subject matter of the above complaint at present and he will not initiate any complaint and litigations regarding the above issue in future.

(e) The petitioner and 3rd respondent agree to settle this issue once for all and they will not precipitate the same further.”

4. In view of the above joint memorandum of compromise entered into between the petitioner and the third respondent, a prayer is made to permit the petitioner and the third respondent to compromise the case as per the settlement reached before the mediator in the Mediation Centre. The joint request of both the learned counsel appearing for the petitioner and the third respondent is that the writ petition may be disposed of in terms of the joint compromise.

5. This Court, having regard to the entire facts and circumstances of



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the case, is inclined to permit the parties to settle the dispute amicably in terms of compromise entered into between them and recorded in this order.

Since the petitioner has now paid more than the amount directed by the Human Rights Commission and that the State has not paid any money to the third respondent in view of the order of stay obtained by the petitioner before this Court, the recommendation of the Human Rights Commission to pay compensation to the complainant and to initiate disciplinary action against the petitioner are set aside, in view of the compromise reached between the parties. The writ petition stands allowed in the above terms. Consequently, W.M.P.No.27840 of 2018 is closed. No order as to costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
15.03.2024

ss

To

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



Secretariat
Chennai 600 009

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S.S.SUNDAR,J.

AND

N.SENTHILKUMAR,J.

SS

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