



W.P.No.19778 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

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Kuppusamy

... Petitioner

Vs.

1. Tamil Nadu State Human Rights Commission
Represented by its Assistant Registrar (Law)
No.143, P.S.Kumarasamy Raja Salai,
Chennai – 600 028.

2. Selvi

3. Ramesh

4. Disha Mittal
The Superintendent of Police,
Tiruppur District,
Tiruppur – 641 604.

5. R. Jayaram,
The Deputy Superintendent of Police,
Dharapuram Sub-Division,
Dharapuram, Tiruppur District – 638 656.



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6.P.Karthikeyan

Sub-Inspector of Police,
Dharapuram Police Station,
Dharapuram – 638 656.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent pertaining to the impugned order in Case No.12219/22/52/2021/OC dated 21.07.2023 passed by the 1st respondent and quash the following in the said order for not entertained the petitioner's complaint dated 13.10.2021 received on 18.10.2021 against the respondents 2 to 6 as per the Regulation of State Human Commission, Tamil Nadu.

For Petitioner : Mr.K.V.Muthu Visakan

ORDER

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

The petitioner has challenged the proceedings of the 1st respondent, dated 21.07.2023, by which the petitioner's complaint before the Human Rights Commission, dated 13.10.2021, was closed on the ground that the subject matter of the complaint falls outside the purview of the Commission as per the Regulation 9(j) of State Human Rights Commission, Tamil Nadu



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(Procedure) Regulations, 1997.

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2.From the facts admitted, it is seen that two criminal cases were registered vide Crime No.1249 of 2010 on 07.05.2020 and Crime No.1868 of 2020 on 14.08.2020. In one of the cases, after filing charge sheet, the petitioner was acquitted in Spl.S.C.No.1 of 2021 and the other case is still pending investigation. The registration of criminal complaint was based on the averments making specific allegations attracting Sections 294(b), 506(ii) and Sections 3(1)(r) & 3(1)(s) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 2015. The specific allegation against the petitioner is that he abused a member of Scheduled Caste and Scheduled Tribe by caste name. Similarly, the complaint also refers to the fact that the petitioner has insulted and intimidated with intention to humiliate a member of SC & ST Community, attracting Section 3(1) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 2015. Since the allegations against the petitioner were not proved beyond reasonable doubt, the petitioner/accused in the criminal case was acquitted by the Principal District Court in Spl.S.C.No.1 of 2021 dated 30.03.2021.



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3.The petitioner has now made complaint before the State Human Rights Commission, pursuant to the verdict given by the Principal District Court in Spl.S.C.No.1 of 2021, making allegations against the respondents that the petitioner was arrested and thereby, the respondents in the complaint had damaged the reputation of the petitioner and caused mental agony to the petitioner and his family members. The respondents 2 and 3 are the complainant and his wife and respondents 4 to 6 are the Police officials.

4.Merely because the complaint given by the individual has ended in acquittal, that does not mean that the accused has not committed any offence, in view of standard of proof required in criminal case. Since the criminal complaint against petitioner was for cognizable offences, registering the FIR and taking action for prosecuting the petitioner cannot be found fault with. In the said circumstances, this Court is unable to find any human right violations or merit in any of the contentions raised by the petitioner in this writ petition challenging the impugned order. As rightly concluded by the Human Rights Commission, the compliant cannot be



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entertained. However, it is open to the petitioner to file a case for defamation or damages as against the complainant before appropriate forum, if he is able to show that a false case was projected against him to embarrass him due to political rivalry.

5. Accordingly, this writ petition is dismissed. No costs.

(S.S.S.R., J.) (N.S., J.)
23.07.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

The Assistant Registrar (Law)
Tamil Nadu State Human Rights Commission
No.143, P.S.Kumarasamy Raja Salai,
Chennai – 600 028.

S.S. SUNDAR, J.
and
N. SENTHILKUMAR, J.



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