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W.P. Nos. 737, 741 and 744 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P. Nos. 737, 741 and 744 of 2020

and

W.M.P. Nos.894, 899, and 905 of 2020

E. Kanagaraj
Dy. Supt. of Police
at No.12, T.P.Chatram
SI's Qtrs, Kilpauk Garden Road
Chennai 10

Petitioner in WP.737/2020

A. Sathish Kumar

Petitioner in WP.741/2020

S. Arumugam

Petitioner in WP.744/2020

VS.

1. State Human Rights Commission
"Thiruvaramam"
143 P.S.Kumarasamy Raja Salai
(Greenways Road)
Chennai 600 028

2. K.Parvathy

Respondents in all WPs



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Writ Petitions filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records in SHRC Case No.5998 of 2017 in order dated 17.10.2019 issued by the 1st respondent and quash the same as *ultra vires* and illegal.

For petitioner Mr. M. Velmurugan
in all WPs

For R1 Mr. K. Suresh
in all WPs for Mr. A. Edwin Prabakar

For R2 No appearance
in all WPs

COMMON ORDER

[made by HEMANT CHANDANGOUDAR, J.]

For the sake of convenience and clarity, the parties are referred to as per their rank in the captioned writ petitions.

2. The captioned three main writ petitions have been filed challenging the order dated 17.10.2019 passed by the first respondent, the State Human Rights Commission (SHRC), in SHRC Case No. 5998 of 2017. By the said order, the Government of Tamil Nadu was directed to pay a sum of Rs. 3,00,000 as compensation to the second respondent (complainant), while reserving the Government's right to recover Rs. 1,00,000 each from the petitioners.



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Additionally, the SHRC recommended that disciplinary action be initiated against the petitioners.

Factual Background:

3. The second respondent filed a complaint before the SHRC stating that on 24.06.2015, at around 5:00 a.m., the petitioner in W.P. No. 737 of 2020 came to her residence along with four Sub-Inspectors and three Constables, including one woman Constable. It is alleged that the second respondent was dragged out of her house and forcibly taken in a police jeep to the police station. The petitioners in W.P. Nos. 741 and 744 of 2020 allegedly assaulted her brutally. Local residents, who witnessed the incident, protested against the police action. Further, the petitioner in W.P. No. 737 of 2020 is said to have verbally abused the second respondent by referring to her caste and threatened her with dire consequences.

4. It is further alleged that one Manikandan was brought to the police station, and his signatures were obtained on blank papers, which were later misused to file a false case against the second respondent. While in custody, the petitioners allegedly assaulted the second respondent using lathis and their legs. She was produced before the learned Magistrate at noon on 24.06.2015, but the



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Magistrate, observing her condition, refused to remand her and directed that she be given medical treatment.

5. She was taken to Government Stanley Hospital, where the doctors found her injuries to be severe and advised in-patient admission. However, the police allegedly refused and instead took her to Government Royapettah Hospital, where again admission was advised but not complied with. She was instead taken back to the police station and allegedly detained illegally. The next morning, i.e., 25.06.2015, she was produced before the Magistrate, who remanded her to judicial custody. She was released on bail on 03.07.2015 and admitted to Government Stanley Hospital, where she underwent surgery at midnight on 04.07.2015.

6. The petitioners appeared and categorically denied all allegations.

7. To prove her case, the second respondent examined herself as P.W.1 and one John Samson as P.W.2 and marked Exhibits P.1 to P.9. The petitioners examined one Mr. Kanagaraj as R.W.1 and marked Exhibits R.1 to R.8.



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8. Upon consideration of both oral and documentary evidence, the first respondent recorded a finding that the petitioners had violated the human rights of the second respondent and issued the impugned order as stated above.

Submissions:

9. Mr. M. Velmurugan, learned counsel for the petitioners, submitted that the findings of the SHRC are contrary to both the oral and documentary evidence available on record. He argued that there is no credible or substantial material to substantiate the allegations against the petitioners. He further contended that the remand order issued by the learned Magistrate clearly shows there was no complaint of assault or injury, contrary to what is recorded by the SHRC. Therefore, the impugned order is unsustainable in law.

10. Learned counsel appearing for the first respondent (SHRC) submitted that the order was passed after due consideration of the evidence and is in accordance with law and therefore does not warrant interference.

11. On 14.07.2025 (yesterday), learned counsel for the petitioners was present; however, neither the second respondent nor her learned counsel appeared. To afford a final opportunity to the



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second respondent, the matter was adjourned to today. When the matter was called today, once again, neither the second respondent nor her learned counsel was present. Therefore, these writ petitions were taken up for final hearing based on the submissions made by the learned counsel for the petitioners and the learned counsel for the first respondent.

12. From the case records, it is seen that a case in Cr. No. 811 of 2015 was registered against the second respondent on 23.06.2015 for offences under Sections 341, 323, 294(b), 385, and 506(i) of the IPC. The said offences are cognizable and non-bailable. It is also submitted that, after investigation, a charge sheet was filed. The petitioners arrested the second respondent on 24.06.2015 and produced her before the X Metropolitan Magistrate (In-charge), Egmore, Allikulam, at around 10:15 p.m. The Magistrate directed the Investigating Officer to produce her during regular working hours on the next working day along with the CD file. Accordingly, the second respondent was produced before the Magistrate on 25.06.2015. The learned Magistrate recorded that she was produced at 10:15 p.m. on 24.06.2015, that the case was explained to her, and that there was no



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complaint. The second respondent was remanded to judicial custody till 09.07.2015.

13. However, in paragraph 19 of the impugned order, the SHRC recorded a contrary finding, relying on the statement of P.W.1 (Parvathy) that the learned XIII Metropolitan Magistrate refused to remand her due to her condition and directed that she be hospitalized. The medical records, according to the SHRC, supported this version. However, this finding is contrary to the Magistrate's remand order dated 24.06.2015 and 25.06.2015, which shows no such direction or observation. Therefore, the finding of the SHRC, insofar as it relates to the second respondent sustaining injuries due to assault by the petitioners, is not legally sustainable.

14. P.W.2 (John Samson), examined by the second respondent, deposed that he witnessed the petitioner in W.P. No. 737 of 2020 dragging the second respondent from her house and that the other petitioners assaulted her. Though this was denied in cross-examination, the medical records do not corroborate the allegation of assault. The SHRC has also relied on Exs. P.4 and P.5, which show that the second respondent underwent surgery for acute appendicitis on 05.07.2015, after being released on bail on 03.07.2015. However,



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there is no evidence to link this medical condition to any alleged assault by the petitioners.

15. The SHRC also recorded that one Manikandan had been forced to sign blank papers and lodge a complaint against the second respondent. However, the document allegedly supporting this claim was neither produced nor marked before the SHRC. Thus, the findings of the SHRC on this aspect are based on conjecture and are not supported by admissible evidence. On this ground as well, the impugned order is not legally sustainable.

16. In light of the foregoing discussion, we are of the considered view that the second respondent has miserably failed to establish that the petitioners violated her human rights. Accordingly, the impugned order passed by the first respondent is set aside, and the writ petitions are allowed. Consequently, the connected miscellaneous petitions stand closed. There shall be no order as to costs.

(M.S.,J.) (H.C.,J.)
15.07.2025

cad
Index : Yes/No
N.C. : Yes/No



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To

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HEMANT CHANDANGOUDAR, J.

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