



W.P.No.3300 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.3300 of 2022

and

W.M.P. No.3437 of 2022 in W.P.No.3300 of 2022

1.P.K.Shivakumar

2.Gajendran

... Petitioners

Vs.

1.Devi Vijay

2.The Member,

State Human Rights Commission

Tamil Nadu rep. By its Registrar,

Thiruvarangam,

No.143, P.S.Kumarasamy Raja Salai,

Greenways Road, Chennai – 28.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Certiorari to call for the records relating to
the order passed by the second respondent vide his proceedings in
SHRC Case No.2962/2019 dated 07.12.2021 and quash the same.



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For Petitioner : Mr.M.Rajkumar
For Respondents : Ms.K.Gomathi
for Ms.S.R.Sumathy for R2
No appearance for R1

ORDER

[Order of the Court was made by **HEMANT CHANDANGOUDAR, J.,**]

The captioned Writ Petition has been filed seeking issuance of a writ of certiorari to set aside the order dated 07.12.2021 passed by the State Human Rights Commission, Tamil Nadu (hereinafter referred to as "SHRC" for the sake of convenience and clarity) in SHRC Case No.2962 of 2019, whereby the Government of Tamil Nadu was directed to pay a compensation of Rs.25,000/- to the complainant for violation of human rights and, in turn, recover a sum of Rs.12,500/- each from the petitioners. Further, the SHRC recommended initiation of disciplinary action against the petitioners.

2. The parties are referred to as per their respective rankings before the SHRC for the sake of convenience and clarity.



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3. Factual Background:

3.1 The complainant filed a complaint before the SHRC stating that she had entered into an oral agreement with a landlord, Muralidharan, and occupied the premises on a rental basis at Rs.20,000/- per month. She also deposited a sum of Rs.1,50,000/- as security deposit. She claimed that she had been regularly paying rent since April 2017 and was in peaceful possession and enjoyment of the premises under the said arrangement.

However, the landlord allegedly began visiting the premises (a dance academy) and taking photographs and videos of the girl students, and behaved inappropriately with them. He allegedly introduced the second respondent, an Inspector of Police, to the academy, who also began interacting inappropriately with the girl students.

3.2 On 15.03.2019, the landlord allegedly asked the complainant to vacate the premises. When she refused, he is said to have assaulted her in front of her students and forcefully evicted her. The second respondent allegedly entered the premises, removed all her belongings, locked the building, and took the keys.



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3.3 Following this, the complainant lodged a complaint at the Nanthivaram Guduvanchery Police Station. She alleged that the second respondent summoned her, illegally detained her at the police station from 15.03.2019 to 18.03.2019, and that respondents 2 and 3 also assaulted her and forcibly brought her brothers to the station, where they too were assaulted and detained.

3.4 Respondents 2 and 3 appeared before the SHRC and denied all allegations. They stated that no complaint was filed by the complainant on 15.03.2019 against Muralidharan. On the contrary, a complaint was filed by Deepa, the wife of Muralidharan, against the complainant, which was duly enquired into.

3.5 The complainant deposed as PW1 and marked documents as Exs.P1 to P8. The third respondent deposed as RW1 and produced Exs.R1 to R3. After evaluating the evidence on record, the SHRC concluded that respondents 2 and 3 had violated the complainant's human rights and passed the impugned order. Aggrieved by the same, the petitioners have filed the present writ petition.



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4. Learned counsel for the petitioners submitted that except for the self-serving statement of the complainant, there was no independent or corroborative evidence to prove that she was illegally detained or tortured by respondents 2 and 3. He further submitted that a complaint lodged by the landlord's wife was duly enquired into, and both parties were advised to seek redress before the civil court.

5. In response, learned counsel for the SHRC submitted that the oral and documentary evidence establish that the complainant was summoned to the police station without following the mandate of Section 160 Cr.P.C., and that she was subjected to harassment and torture. Therefore, the SHRC, after properly appreciating the evidence, rightly held that the complainant's human rights were violated, and the impugned order does not warrant interference.

6. In the proceedings dated 15.07.2025, it was recorded that there was no representation for R1. To ensure fair opportunity, the matter was adjourned to 16.07.2025 with a caveat that it would be heard on the basis of available records and submissions of counsel present, if R1 remained unrepresented. Today, when the matter was



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called, there was again no representation for R1. Therefore, the writ petition is disposed of after considering the submissions of the counsel present.

7. Arguments of the learned counsel have been duly considered.

8. PW1 (the complainant) stated that she was summoned to the police station on 15.03.2019, illegally detained, and was let off only on 18.03.2019. However, there is no corroborative evidence to substantiate these allegations against respondents 2 and 3. In contrast, respondents 2 and 3 produced documents to disprove the complainant's version.

9. Ex.R1 is an undertaking letter executed by the complainant addressed to the second respondent (Inspector of Police), wherein she agreed to attend an enquiry on 18.03.2019. Similar undertakings were also executed by the complainant's husband and brothers. This undermines the claim that she was detained between 15.03.2019 and 18.03.2019.



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11. Further, in Ex.R1, the complainant voluntarily agreed to attend the enquiry on 18.03.2019. Hence, the SHRC's finding that the complainant was summoned in violation of Section 160 Cr.P.C. is factually and legally untenable. The SHRC overlooked these crucial aspects and wrongly held that the act of summoning itself constituted a violation of human rights.

12. In light of the above discussion, we are of the considered view that the finding recorded by the SHRC—holding that the complainant was summoned contrary to the proviso under Section 160 Cr.P.C.—is unsupported by evidence. There is no material on record to



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prove that respondents 2 and 3 (petitioners herein) violated the human rights of the complainant.

13. Accordingly, the following order is passed:

13.1 *Captioned writ petition is allowed;*

13.2 *Impugned order dated 07.12.2021 passed by SHRC in SHRC Case No.2962/2019 is set aside and consequently, the complaint filed by the complainant/first respondent is dismissed.*

13.3 *Consequently, connected miscellaneous petition is closed.*

There shall be no order as to costs.

(M.S.,J.) (H.C.J.)
16.07.2025

Index : Yes / No
Neutral Citation : Yes / No
mmi

To

The Registrar,
State Human Rights Commission Tamil Nadu,
Thiruvarangam,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai – 28.

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