



W.P.No.2421 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 23.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.2421 of 2020
and
W.M.P. No.2822 of 2020 in W.P.No.2421 of 2020

J.Shivakumar

... Petitioner

Vs.

- 1.The State Human Rights Commission
rep by its Registrar,
Tamil Nadu, Thiruvaramangam,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai – 600 028.
- 2.The Secretary to the Government,
Home Department, Fort St. George,
Chennai – 600 009.
- 3.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
- 4.The Special Secretary to Government,
Public (HR) Department, Secretariat,
Chennai – 600 009.

5.K.Selvi

... Respondents



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Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records of the first respondent herein in its proceedings in SHRC Case No.6782 of 2017 dated 17.09.2019 on the file of the first respondent wherein the first respondent had recommended the Government of Tamil Nadu to pay a compensation of Rs.50,000/- (Rupees Fifty Thousand only) to the fifth respondent herein viz., K.Selvi within four weeks from the date of receipt of the order of the Hon'ble Commission and further recommended that the Government shall recover the said sum of Rs.50,000/- (Rupees Fifty Thousand only) from the petitioner equally, subsequently as per the rules and regulations and quash the same.

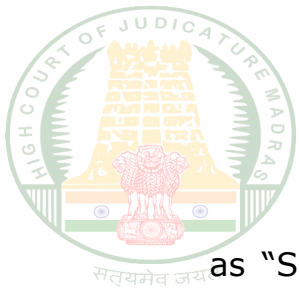
For Petitioner : Mr.A.Rajendra Kumar

For Respondents : Mr.K.Suresh,
Government Advocate for R1 to R4
Mr.R.Balamurugan for R5

ORDER

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

Captioned Writ Petition has been filed seeking the issuance of a writ of certiorari to quash the order dated 17.09.2019 passed by the State Human Rights Commission, Tamil Nadu (hereinafter referred to



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as "SHRC" for the sake of convenience and clarity) in S.H.R.C. Case No.6782 of 2017. In the said order, the SHRC directed the Government of Tamil Nadu to pay a sum of Rs.50,000/- as compensation to the complainant, with liberty to recover the said amount from the petitioner.

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

3.Factual Background:

3.1 One Ms. K. Selvi filed a complaint before the SHRC stating that her son, a minor, was arrested on 10.08.2017 in connection with Crime No.915 of 2017 for offences punishable under Sections 341, 324, and 506(i) I.P.C. The respondent/writ petitioner, who was then serving as the Inspector of Police, allegedly assaulted her minor son and detained him at the police station for more than 24 hours after the arrest.

3.2 The respondent/writ petitioner entered appearance and denied all allegations. The complainant examined herself as P.W.1 and her son (the victim) as P.W.2, and produced documents marked as Exs.P1



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to P13. The respondent/writ petitioner examined himself as R.W.1 and the Sub-Inspector of Police as R.W.2, producing documents marked as Exs.R1 to R3. After evaluating the evidence on record, the SHRC held that the respondent/writ petitioner had violated the complainant's human rights and passed the impugned order.

4. Learned counsel for the petitioner submitted that, in the absence of any substantial evidence showing that the victim sustained injuries due to the alleged assault by the respondent/writ petitioner, and that the victim was detained at the police station for more than 24 hours, the impugned order passed by the SHRC is not legally sustainable.

5. In response, Mr. R. Balamurugan, learned counsel for the complainant/R5, submitted that the evidence on record clearly establishes that the victim was detained at the police station for more than 24 hours before being produced before the jurisdictional court, which is in violation of the provisions of the Code of Criminal Procedure and the guidelines issued by the Hon'ble Supreme Court. He further submitted that the remand report (Ex.P10) clearly establishes that the victim sustained injuries due to the assault committed by the respondent/writ petitioner. Therefore, in the absence of any perversity or illegality, the impugned order passed by the SHRC does not warrant



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interference.

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6. Mr. K. Suresh, learned Government Advocate, who also appeared for the SHRC, adopted the submissions made by the learned counsel for the complainant/R5 and sought dismissal of the writ petition.

7. The arguments of the learned counsel for the parties have been duly considered.

8. Ex.P10, the remand report, indicates that the victim was arrested on 10.08.2017 and was produced before the Juvenile Justice Board at 12:00 noon on 11.08.2017. However, the respondent/writ petitioner, being the investigating officer, failed to produce the arrest memo to indicate the exact date and time of the victim's arrest. As the custodian of the arrest memo, the respondent/writ petitioner was under an obligation to produce the same to establish that the victim had not been detained for more than 24 hours before being produced before the Juvenile Justice Board. The failure to do so renders the detention of the victim for more than 24 hours in violation of the provisions of the Section 57 of Cr.P.C. and the guidelines issued by the Hon'ble Supreme Court.

9. As regards the injuries, Ex.P10 (remand report) does not indicate



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that the victim sustained injuries as a result of an assault by the respondent/writ petitioner. However, the SHRC, contrary to the contents of Ex.P10, concluded that the respondent/writ petitioner had assaulted the victim, resulting in injuries. Therefore, the finding recorded by the SHRC, insofar as it pertains to injuries allegedly caused by the respondent/writ petitioner, is not legally sustainable.

10. In light of the foregoing discussion, we do not find any ground to interfere with the impugned order dated 17.09.2019 passed by the SHRC in SHRC Case No.6782 of 2017. Accordingly, the writ petition is dismissed. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

(M.S.,J.)

(H.C.J.)

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Index : Yes / No

Neutral Citation : Yes / No

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To

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and
HEMANT CHANDANGOUDAR, J.,**

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