

W.P No. 11247 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : **14-07-2025**

Delivered on : **11.08.2025**

CORAM

THE HONOURABLE MR JUSTICE M. SUNDAR

AND

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No. 11247 of 2018

AND

WMP.No.13152 of 2018

K.Mohankumar

S/o. C.Krishnan

..Petitioner

Vs

1. Tamil Nadu State Human Rights Commission,
Represented by its Member
143, P.S.Kumarasamy Salai,
Greenways Road, Chennai-600028.

2.The Government of Tamil Nadu
Represented by its Secretary,
Home Department, Fort St.George,
Chennai-600009.

3.Vasantha

4.Dharmalingam

..Respondents



W.P No. 11247 of 2018

WEB COPY Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of certiorarified mandamus, calling for the records relating to impugned order dated 18.04.2018 passed in SHRC No. 3259 of 2012 by the 1st respondent insofar as the petitioner is concerned and quash the same.

For Petitioner: Mr.M.Deivanandam

For Respondents: Mr.K.Suresh, GA

For Mr.K.V.Sanjeev Kumar – R1

ORDER

HEMANT CHANDANGOUDAR, J.

The captioned writ petition has been filed assailing the order dated 18.04.2018 passed by the State Human Rights Commission, Tamil Nadu (hereinafter referred to as “SHRC” for the sake of brevity, clarity, and convenience) in SHRC Case No. 3259 of 2012. By the said order, the Government of Tamil Nadu (2nd respondent herein) was directed to pay a sum of Rs.5,00,000/- to the 1st complainant towards compensation, while preserving the right to recover a sum of Rs.2,00,000/- from the petitioner herein, and Rs.2,00,000/-, Rs.50,000/-, and Rs.50,000/- from the 2nd, 4th, and 5th respondents before the SHRC, respectively. The SHRC also recommended that



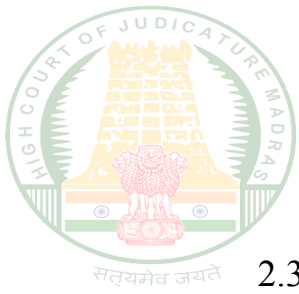
W.P No. 11247 of 2018

the 2nd respondent initiate disciplinary proceedings against respondents 1, 2, 4, and 5 before the SHRC. Aggrieved by the said order, the 1st respondent before the SHRC has filed the present writ petition.

Factual Background:

2.1 There was a dispute concerning ancestral property between the complainant and her step-nephews, Jaganathan and Raghunathan, which led her to file a civil suit in O.S. No. 121 of 2011, now pending before the Subordinate Judge, Attur. The said nephews allegedly harassed the complainant, prompting her to lodge a complaint at Thammampatti Police Station. In August 2011, the police advised her to pursue the matter through the civil court.

2.2. However, on 05.04.2012 at about 1:30 a.m., while the complainant was staying at her native house in Kondayampalli, Salem District, along with her elderly brother-in-law, Dharmalingam, a group comprising respondents 2 to 6 and four other policemen from the Anti-Land Grabbing Special Cell (ALGSC), Salem, allegedly arrived under the influence of alcohol, forcibly entered the house, and demanded that she accompany them for an enquiry.

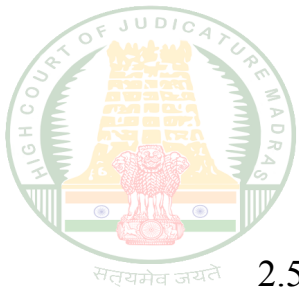


W.P No. 11247 of 2018

WEB COPY

2.3. Despite her request to attend the enquiry the next morning, the complainant was allegedly threatened and forcibly dragged out. The 4th and 5th respondents reportedly twisted her arm, abused her using filthy language, and snatched her mobile phone. The 5th respondent allegedly slapped her on the cheek, tied her hands behind her back, and pushed her against the door, resulting in swelling on her right middle finger. Dharmalingam was also allegedly taken forcibly without proper clothing. Both were then brought to the ALGSC police station at about 3:30 a.m., confined separately, denied food and water, and allegedly tortured. The 5th and 6th respondents allegedly obtained the complainant's signature on blank papers under duress. The 2nd respondent/Inspector of Police also allegedly slapped the complainant. Subsequently, they were remanded to judicial custody after being produced before the Judicial Magistrate No. II, Salem. The 1st and 2nd respondents were accused of foisting a false case and collectively violating the complainant's human rights through harassment and torture.

2.4. The petitioner, who was the 1st respondent before the SHRC, appeared and filed a counter affidavit denying all allegations.



W.P No. 11247 of 2018

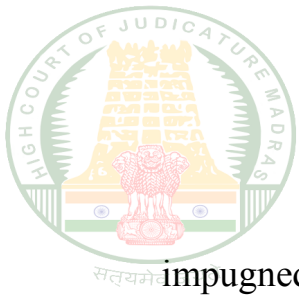
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2.5. To prove her case, the 1st complainant examined herself as PW1, and also examined Rajesh Kannan (PW2) and Anbalagan (PW3), marking 9 documents as Exs. P1 to P9. On behalf of the respondents, 4 witnesses were examined as RW1 to RW4, and 11 documents were marked as Exs. R1 to R11.

2.6. Upon evaluating the oral and documentary evidence, the SHRC recorded a finding that the petitioner (1st respondent before the SHRC), along with respondents 2, 4, and 5, had violated the human rights of the complainant and passed the impugned order accordingly.

Submissions:

3. Mr. M. Deivanandham, learned counsel appearing for the petitioner, submitted that the only allegation against the petitioner is that, in his capacity as Deputy Superintendent of Police, Anti-Land Grabbing Special Cell, Salem, he merely forwarded a complaint to the 2nd respondent/Inspector of Police, who subsequently registered Crime No. 17/2012. He argued that such forwarding of a complaint for investigation, especially when it discloses the commission of cognizable offences, cannot by itself amount to a violation of human rights, in the absence of any substantial evidence indicating that it was done with mala fide intent or to harass the complainant. Therefore, the



W.P No. 11247 of 2018

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impugned order passed by the SHRC is legally unsustainable insofar as it pertains to the petitioner.

4. Though the 3rd and 4th respondents (complainants before the SHRC) were duly served with notice, they have not chosen to appear either in person or through counsel.

5. Mr. K. Suresh, learned Government Advocate, representing Mr. K.V. Sajeew Kumar, learned Standing Counsel for the SHRC, submitted that the SHRC, after properly evaluating the evidence on record, rightly held that the petitioner had violated the human rights of the complainant. Therefore, in the absence of any perversity or illegality in the findings, the impugned order does not warrant interference.

6. The allegations of assault, harassment, and torture have been made primarily against other police personnel. There is no specific allegation against the petitioner (1st respondent before the SHRC) suggesting that he personally participated in or ordered any such acts against the complainant. The only allegation is that he, in his official capacity, forwarded a complaint to the



W.P No. 11247 of 2018

WEB COPY

Inspector of Police, who registered Crime No. 17/2012 under Sections 465, 468, 420 read with 120B, and 506(i) IPC.

7. Since the complaint disclosed the commission of cognizable offences, the act of forwarding the complaint to the Station House Officer for necessary action was lawful and within the petitioner's scope of duty. There is no material evidence to establish that this action was tainted with mala fides or done with the intent to harass the complainant.

8. In the absence of any credible or substantive evidence linking the petitioner to any act that directly or indirectly violated the human rights of the complainant, the impugned order passed by the SHRC, insofar as it pertains to the petitioner, is not legally sustainable and is liable to be set aside.

9. In view of the above findings, the following order is passed:

- i. The writ petition is allowed.
- ii. The impugned order dated 18.04.2018, insofar as it relates to petitioner is set aside, and the direction issued to the Government of Tamil Nadu to pay compensation of Rs.5,00,000/- to the 1st complainant, is modified, and the Government of Tamil Nadu shall now pay Rs.3,00,000/- to the



W.P No. 11247 of 2018

WEB COPY

1st complainant (3rd respondent herein), within four (4) weeks from the date of uploading of this order.

- iii. The Government of Tamil Nadu shall recover Rs.2,00,000/- from the 2nd respondent before the SHRC, and Rs.50,000/- each from the 4th and 5th respondents before the SHRC, in accordance with law.
- iv. The impugned order is set aside insofar as it recommends initiation of departmental action or criminal prosecution against the petitioner/1st respondent before the SHRC.
- v. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.
- vi. It is clarified that this Court has not examined the merits of the case in relation to the other respondents/police personnel before the SHRC, and the observations made in this order are confined solely to the validity of the findings and directions against the petitioner/1st respondent before the SHRC.

[M.S.,J.]

[H.C.,J]

11.08.2025

Index : Yes/

Internet : Yes

Neutral Citation : Yes

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W.P No. 11247 of 2018

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To

1. The Member

Tamil Nadu State Human Rights Commission,
143, P.S.Kumarasamy Salai,
Greenways Road, Chennai-600028.

2.The Secretary to the Government,
Home Department, Fort St.George,
Chennai-600009.



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W.P No. 11247 of 2018

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Pre-Delivery order in

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