



W.P.No.13628 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

<i>Reserved on</i>	05.11.2025
<i>Pronounced on</i>	21.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.P.No.13628 of 2021

Ravichandran

...Petitioner

Vs.

1.The Special Secretary to Government,
Public (HR) Department,
Secretariat, Chennai – 600 009.

2.M.Dharmaraja

3.The Tamil Nadu State
Human Rights Commission,
Rep. By its Registrar,
143, P.S.Kumarasamy Salai,
Greenways Road, Chennai – 600 028.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to quash the order passed by the Tamilnadu State Human Rights Commission in SHRC.No.10745 of 2018 passed on 16.11.2020.



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For Petitioner : Mr.V.Ramamurthy

For Respondents : Mr.G.Ameedius,
Government Advocate for R1

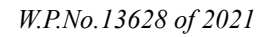
No Appearance for R2

Mr.Arun Anbumani for R3

ORDER

M.S.RAMESH,J.

The State Human Rights Commission (hereinafter referred to as "Commission") had taken *suo motu* cognizance of a news item published in the Daily Thanthi newspaper dated 25.11.2018 under Section 12(a) of Protection of Human Rights Act, 1993 (hereinafter referred to as “the Act”) against the petitioner herein, who was the then Inspector of Police, Teynampet Traffic Enforcement, Greater Chennai Police and one Thiru.K.Ajukumar, Inspector of Police attached to E-4, Abhiramapuram Police Station in SHRC Case No.10745 of 2018. During the pendency of the case, the Commission had discharged Thiru K.Ajukumar from the proceedings on 16.09.2020. On the strength of the evidences before it, the Commission had found that the petitioner herein had violated the human rights of the victim M.Dharmaraja and thereby infringed Article



2. As per the newspaper report, on 25.11.2018, the victim had casted his grievance against the petitioner for refusing to grant to attend his mother's last rites. On the same day, a video footage revealed the petitioner pushing the victim from his bike in the le of the road and dragging him into a patrol vehicle, after a couple urs when the victim made the complaint. The video footage reveals identity of the petitioner herein, who had interrupted him in the le of the road and pushed him from the bike, which went skidding, to the wheel of a mini truck. Thereafter, the petitioner had dragged victim by his collar from the spot and pushed him into the patrol le. The victim was treated in the Government Hospital, Royapettah KOSHA Hospital, for fracture of his right shoulder and right big toe. oral or documentary evidences were produced on either side.



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Thereafter, the Commission had conducted an investigation under Section 14 of the Act and as per the investigation report of the Joint Commissioner of Police, Traffic Enforcement, Chennai South, the incident reported in the newspaper was held to be true and disciplinary proceedings were also initiated against the petitioner, after placing him under suspension on 26.11.2018. The victim had also produced evidences of the Hospital records to substantiate the injuries sustained by him. On the strength of these evidences and the investigation report, the Commission had made the recommendation, as stated above.

3. The learned counsel for the petitioner would submit that the victim was in an inebriated condition when he was riding the bike, owing to which he had skid and fell down and the petitioner had no role in the accident. Since the Commission itself had rendered a finding that the victim was drunk, it ought not to have implicated the petitioner and therefore sought to set aside the recommendation.

4. Though notice has been served on the second respondent and his name is printed in the cause list, none appears on his behalf.



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5. In the investigation conducted by the Commission under Section 14 of the Act, the Joint Commissioner of Police had confirmed the presence of the petitioner at the scene and his conduct of intercepting the victim in the middle of the road. In the report, the conduct of the petitioner in creating a threat to the life of the victim was condemned and disciplinary proceedings were also initiated against the petitioner, after placing him under suspension. The CCTV footage of the incident was also produced during the course of investigation, which the Commission appears to have viewed. On the strength of the report, the Commission had satisfied itself about the correctness of the facts of the case, as required under Section 14(5) of the Act. This apart, the Commission had also placed reliance on the medical reports, namely Exhibits P.2, P.4, P.6 and P.8, which are the outpatient chits issued by the Kilpauk Medical College, as well as the x-rays of the victim's right shoulder and right foot respectively and thereby confirmed the injuries sustained by the victim.

6. The only defense taken before the Commission, as well as before us, is that the victim himself was in an inebriated condition and that the petitioner had absolutely no role in the incident. The petitioner, though had the right to let in evidences from his side, had omitted to do



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so. Section 14 of the Act empowers the Commission to conduct its own investigation to ascertain the truth of the facts of the case. It is on the strength of this report and the CCTV footage recovered during the investigation and also after corroborating the medical evidence for the injuries sustained by the victim, the Commission had come to the conclusion that there was violation of human rights and accordingly, the recommendation was made. Whether the victim was in an inebriated condition or not, was immaterial for the purpose of coming to this conclusion, since the involvement of the petitioner in the incident of having pushed the victim from the bike, dragged him by the collar and shoved him into the patrol car, has been well established.

7. Article 21 of the Constitution of India empowers every person a life with human dignity. In the case of ***D.K.Basu vs. State of West Bengal*** reported in ***(1997) 1 SCC 416***, it was held that Police torture infringes Article 21 of the Constitution of India, as well as basic human rights and strikes a blow at Rule of law. It is naked violation of human dignity and destructive of human personality. When the evidence before the Commission confirms the overt acts attributed to the petitioner, the Commission was right in holding that such action infringes Article 21 of



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the Constitution of India and had thus rightly made the recommendation for having violated his human rights. In this background, we do not find any reasons to interfere with the recommendation for compensation and recovery made.

8. However, insofar as the recommendation for initiating departmental action against the petitioner is concerned, the report of the Joint Commissioner of Police itself states that such action was initiated and he was also placed under suspension on 26.11.2018 and hence, Clause 20(2) of the recommendation, to initiate disciplinary action, is set aside. Accordingly, the Writ Petition stands dismissed in all other aspects. No costs.

[M.S.R.,J] [R.S.V.,J]
21.11.2025

Index: Yes/No
Neutral Citation: Yes/No
Speaking order/Non-speaking order
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M.S.RAMESH, J.
and
R.SAKTHIVEL, J.

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To

1.The Special Secretary to Government,
Public (HR) Department,
Secretariat, Chennai – 600 009.

2.The Registrar,
Tamil Nadu State
Human Rights Commission,
143, P.S.Kumarasamy Salai,
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