

W.P No. 11486 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : **15-07-2025**

Delivered on : **11.08.2025**

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THE HONOURABLE MR JUSTICE M. SUNDAR

AND

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No. 11486 of 2021

AND

WMP.No.12227 of 2021

Annamalai

..Petitioner

Vs

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

2.N.Vinothkumar

..Respondents

Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of certiorari, calling for the records of the 1st respondent in its proceedings bearing SHRC No. 5448 of 2019 dated 24.03.2021 and quash the same as illegal, unlawful, arbitrary, without jurisdiction and against the principles of natural justice and pass such further or other orders.



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For Petitioner: Mr.M.Himavanth

For Respondents: Mr.K.Ranjith

Rep by Ms.Mythili Srinivas – R1

Ms.Kanimozhi Sundar – R2

ORDER

HEMANT CHANDANGOUDAR, J

1. The captioned Writ Petition has been filed seeking the issuance of a writ of certiorari to quash the order dated 24.03.2021 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. 5448 of 2019. 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 and further directed recovery of the said amount from the 1st respondent/petitioner herein. The SHRC also recommended initiation of disciplinary action against the 1st respondent and directed the Government to issue suitable instructions to the Director General of Police, Tamil Nadu, to advise subordinate officers to take immediate action on complaints lodged by affected persons.



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Factual Background:

2.1. The 2nd respondent filed a complaint before the SHRC stating that he had submitted an online complaint on 25.04.2019 alleging that materials from his shop were stolen. He also filed a complaint in person on 27.04.2019 and sent another complaint by post to the Superintendent of Police, Tiruvannamalai District. However, no action was allegedly taken by the police due to the accused being an influential and wealthy individual.

2.2. The petitioner (1st respondent before the SHRC) entered appearance and denied all allegations, except admitting that while he was on duty at Arani Town Police Station, he had received an online complaint that was not supported by any documents. He further stated that the Station House Officer of Arani Town Police Station registered a case based on the complainant's allegations in Crime No. 197/2020 under Section 380 IPC, and after investigation, the complaint was found to be false and lodged with the intent to claim insurance. The SHRC, based on the pleadings and a report submitted by the Superintendent of Police, held that the inaction of the petitioner in not



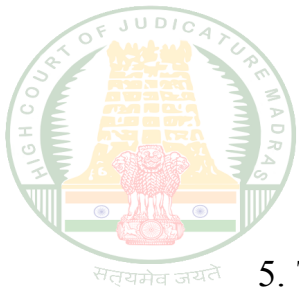
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registering the complaint violated the human rights of the complainant.

3. Mr. M. Himavanth, learned counsel for the writ petitioner, submitted that the impugned order passed by the SHRC is legally unsustainable as it was rendered without conducting an inquiry as mandated under Section 13 of the Protection of Human Rights Act, 1993 (hereinafter referred to as the “1993 Act”). He contended that the SHRC based its decision solely on the pleadings and the report of the Superintendent of Police. He further argued that mere inaction in registering an FIR does not constitute a violation of human rights. In support, he placed reliance on the judgment of a Division Bench of this Court in W.P. No. 7201 of 2019, dated 27.10.2022 (V. Gopinath v. The Principal Secretary to Government, Home Department, Chennai & Others).

4. In response, Mr. K. Ranjith, representing Ms. Mythili Srinivas for the 1st respondent/SHRC, and Ms. Kanimozhi Sundar, learned counsel for the 2nd respondent, submitted that the petitioner failed to register a complaint that disclosed the commission of a cognizable offence, thereby denying the complainant access to criminal justice, which amounts to a violation of human rights. Hence, they argued that the impugned order does not warrant interference and prayed for dismissal of the writ petition.



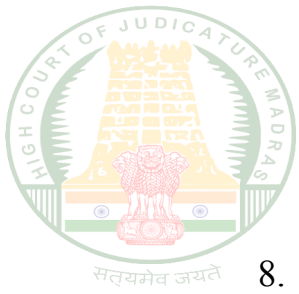
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5. The arguments advanced by the learned counsel on either side and the materials placed on record were duly considered.

6. Before the SHRC, the petitioner categorically stated that the online complaint received from the complainant was not supported by any documents, and therefore, the complainant was called for an enquiry. The petitioner denied receipt of any written complaint on 27.04.2019 and also claimed ignorance of any complaint sent to higher officials. The SHRC, in its impugned order, noted that the complaint was forwarded to the Superintendent of Police, Tiruvannamalai, for inquiry and report. The report dated 11.05.2020 indicated that although the complaint was made to the Station House Officer of Arani Town Police Station and an order was passed by the jurisdictional Magistrate in CrI.M.P. No. 2769/2019, the Inspector of Police failed to register a criminal case and only did so after a memo was issued. The case was registered as Crime No. 197/2020 under Section 380 IPC.

7. The petitioner was serving as a Sub-Inspector of Police at the relevant time and was not the Officer-in-Charge of the police station. Only in the absence of the Inspector of Police, could he be deemed the officer-in-charge as per Section 2(o) of the Code of Criminal Procedure.



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8. Section 17 of the 1993 Act provides that while enquiring into complaints of human rights violations, the SHRC may call for information or a report from the Central or State Government or any subordinate authority. Clause (b) of the section stipulates that if the SHRC, upon receipt of the report, is satisfied that no further inquiry is necessary, it may choose not to proceed with the complaint. Clause (ii) provides that if it deems fit, the SHRC may initiate an inquiry, having regard to the nature of the complaint.

9. Therefore, in the present case, after receipt of the report from the Superintendent of Police, the SHRC was required either to close the complaint or proceed to conduct an inquiry under Section 13 of the 1993 Act, which empowers it to summon witnesses, examine them on oath, and receive evidence. However, the SHRC, without following this statutory procedure, proceeded to pass the impugned order solely on the basis of the pleadings and the Superintendent's report, thereby depriving the petitioner of the opportunity to adduce evidence and defend himself against the alleged human rights violation.



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10. In view of the foregoing discussion, this Court finds that the impugned order passed by the SHRC is in violation of Sections 13 and 17 of the 1993 Act. Further, the inaction in registering the complaint cannot be attributed to the petitioner, as he was not the Officer-in-Charge of the police station at the relevant time. Accordingly, the impugned order is not legally sustainable and is liable to be set aside.

11. In the result, the impugned order dated 24.03.2021 passed by the SHRC in SHRC Case No. 5448 of 2019 is set aside. The writ petition is allowed. Consequently, the connected miscellaneous petition is also allowed. There shall be no order as to costs.

[M.S.,J.]

[H.C., J]

11.08 .2025

Index : Yes

Internet : Yes

Neutral citation : Yes

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To

The Registrar

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



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Pre-Delivery Order in
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