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W.P.No.15107 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2025

CORAM :

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

W.P.No.15107 of 2021
and WMP.No.16002 of 2021

K.Ramamoorthi,
Inspector of Police,
Sathuvachery Police Station,
Vellore District.
Now serving as
Gudiyatham Sub-Division,
Gudiyatham, Vellore District.

... Petitioner

Vs.

1.Tamil Nadu State Human Rights Commission,
Represented by its Registrar,
143, P.S.Kumarasamy Salai,
(Greenways Road),
Chennai-600 028.

2.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

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

4.J.Satheesh Kumar

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records relating to impugned order dated 09.03.2021 passed in SHRC No.843 of 2016 by the 1st respondent herein and quash the same.

For Petitioner	: Mr.M.Deivanandam
For R1	: No appearance
For R2 & R3	: Mr.K.Suresh, Government Advocate
For R4	: No appearance

ORDER

(Order of the Court was delivered by M.S.RAMESH, J.)

The grievance of the fourth respondent/complainant before the Tamil Nadu State Human Rights Commission (hereinafter referred to as 'the Commission') is that though he had given a complaint against his landlord in connection with the dispute of non-return of the advance amount and demolition of the shop, the petitioner had in turn registered a complaint against the fourth respondent and remanded him to judicial custody. In other words, the grievance of the fourth



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respondent/complainant is with regard to the petitioner entertaining a false complaint and remanding him to prison.

2. In a recent decision of this Court, in the case of ***'K.Madeswaran & another Vs. The Registrar, State Human Rights Commission, Tamil Nadu & others'*** passed in ***W.P.No.33454 of 2022 dated 21.11.2025***, whether such inaction on the part of the police officials would amount to violation of human rights, was dealt by us and held in the negative. The relevant portion of the order reads as follows:-

..... *“16. In cases when a Police Officer fails to register a complaint that makes out a cognizable offence or does not take any action on the same, the same may amount to a dereliction of duty on the part of the concerned Police Officer and may even be construed to be a misconduct. By applying the ratio laid down in Lalita Kumari, when a police officer fails to act on a complaint which discloses the commission of a cognizable offence, a departmental action may be warranted on the erring official.*

17. When Lalita Kumari has set forth the mode of action against such erring official, the consequential issue that may crop up is as to



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whether the Commission would be empowered to simultaneously entertain a complaint of inaction by a Police Officer. The answer to the same is in the negative in view of Regulation 9 (h) of the State Human Rights Commission Tamil Nadu (Procedure) Regulations, 1997, which has already been extracted above. For the sake of brevity, the Regulation excludes complaints, touching upon matters covered by a Judicial verdict. In other words, when Lalita Kumari clearly holds the action to be taken against an erring police officer, a simultaneous complaint before the Commission, may not be entertainable in view of the Regulation cited above.

18. There is yet another aspect of the matter. Section 2d of the Act restricts human rights to mean the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by Courts in India.

19. As discussed above, the inaction on the part of the Police to register a complaint that discloses a cognizable offence, can, at the most, amount to dereliction of duty on the part of the Police Officer or a misconduct, and by no stretch of imagination, could it be an action which violates the



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right guaranteed by the Constitution. On this ground also, the Commission may not have the authority to proceed against such complaints against the Police Officers or other public servants.”.....

3. The aforesaid extract applies squarely to the facts of the case before the Commission and therefore, the action of the police officials, in entertaining a complaint and consequently remanding the complainant, would only be in exercise of their official duties and not violation of human rights.

4. In the complaint, a vague allegation has been made that the complainant and his brother were brought to the Police Station, their cell phones were snatched and that they were detained in the Police Station without providing any water or food. For such an allegation, there is no evidence absolutely. The Commission had also not recorded and proved this allegation. As such, this portion of the complaint suffers from perversity and hence, the consequential impugned order of the Commission cannot be sustained.



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5. Accordingly, the impugned order dated 09.03.2021 passed in SHRC No.843 of 2016 by the first respondent/Tamil Nadu State Human Rights Commission, is hereby quashed and the Writ Petition stands allowed. No costs. Connected miscellaneous petition is closed.

[M.S.R., J]

[R.S.V., J]

06.10.2025

Index: Yes

Speaking order

Internet: Yes

Neutral Citation: Yes

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To
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Tamil Nadu State Human Rights Commission,
143, P.S.Kumarasamy Salai,
(Greenways Road),
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2.The Principal Secretary to Government,
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