

W.P No. 15617 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

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. 15617 of 2021

AND

WMP.No.16532 of 2021

M.Shankar

..Petitioner

Vs

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

2. D.Abraham

..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's impugned order in SHRC Case No. 2414 of 2019 dated 03.10.2020 and to quash the same as illegal and pass such further or other orders.

For Petitioner: Mr.M. Purushothaman

For Mr.D.Vijay

For Respondents: Mr.G.Arun Anbumani – R1

Dr.G.J.R. Anothony Kennedy – R2



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ORDER

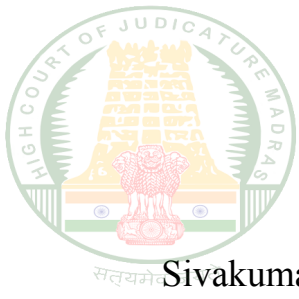
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HEMANT CHANDANGOUDAR, J

The captioned Writ Petition has been filed seeking the issuance of a writ of certiorari to quash the order dated 03.10.2020 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.2414 of 2019. In the said order, the SHRC directed the Government of Tamil Nadu to pay a sum of Rs.20,000/- as compensation to the complainant and further recommended that the Government issue suitable instructions to the Station House Officer to provide protection to the complainant under Article 25 of the Constitution of India.

Factual Background:

2.1. The second respondent filed a complaint stating that he is a Christian priest residing at Maruti Nagar, Anthivadi Check Post, Hosur, Krishnagiri District. On 28.02.2019, at about 8:30 a.m., while he, along with his two friends Peter and Jebasingh was peacefully distributing religious handbills to the public at Karnur Village, they were allegedly surrounded and threatened by



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Sivakumar, Murugan, Seenivasan, Gopi, Kummi, and other Hindu fundamentalists, who also verbally abused them and warned them not to distribute such materials.

2.2. The petitioner, who was then working as Special Sub-Inspector of Police, allegedly arrived at the scene, assaulted the complainant and his two companions, threatened them not to enter the village again, took them to the Mathigiri Police Station, and obtained their signatures on blank papers.

2.3. The petitioner entered an appearance and denied all the allegations. He stated that there was a heated argument between the complainant and the villagers, and upon receiving information, he went to the scene and brought the complainant and his companions to the police station to prevent any untoward incident. He further stated that a similar complaint was made to the Superintendent of Police, Krishnagiri District, and an enquiry was conducted, which revealed that no incident of violence had occurred and that the matter had been amicably settled between the parties. Although the complainant participated in the said enquiry, no allegations of police brutality were raised. Despite the absence of supporting evidence, the SHRC passed the impugned order based solely on the complaint and counter statements.



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3. Mr. M. Purushothaman, learned counsel for the petitioner, submitted that the SHRC passed the impugned order solely based on the complaint and counter statements, without conducting an enquiry as mandated under Section 13 of the Protection of Human Rights Act, 1993. In the absence of substantial evidence proving violation of human rights by the petitioner, the impugned order is legally unsustainable.

4. In response, Dr. G.J.R. Anthony Kennedy, learned counsel for the second respondent, submitted that the petitioner did not deny having taken the complainant and his companions to the police station, which was done without following due process of law. He further contended that the petitioner did not effectively rebut the allegations, and the complaint itself clearly establishes violation of the complainant's human rights. He emphasized that the right to practice religion, including distribution of religious materials, is protected under Article 25 of the Constitution of India. Therefore, the SHRC rightly passed the impugned order after considering the matter from all relevant perspectives, and the same does not warrant interference.



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In support of his submissions, he relied on the following judgments:

- i. *Adi Saiva Sivachariyargal Nala Sangam & Others v. Government of Tamil Nadu & Another [(2006) 2 SCC 725]*
- ii. *C. Joseph v. The District Collector, Coimbatore District & Others (W.P. No. 2149 of 2019, dated 14.06.2019)*

5. Mr. Arun Anbumani, learned Standing Counsel for the first respondent, adopted the submissions of the learned counsel for the second respondent.

6. The arguments of the learned counsel for the parties and the materials placed on record have been duly considered.

7. The alleged incident occurred on 28.02.2019. The complainant admitted that his two companions were also present during the incident and were taken to the police station along with him. However, the complainant failed to examine these two companions to corroborate the allegation that the petitioner forcibly took them to the police station, assaulted them, and obtained signatures on blank papers. For reasons unknown, the complainant did not



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adduce any evidence to substantiate the allegations, other than his self-serving statement in the complaint.

8. In his counter, the petitioner admitted to bringing the complainant and his companions to the police station, but clarified that this was done due to a heated argument between them and the villagers, with the intention of defusing the situation and preventing escalation. The petitioner categorically stated that the complainant was not summoned for enquiry or investigation, and that he acted in good faith to avoid any untoward incident. No evidence has been produced to establish that the petitioner assaulted, abused, or threatened the complainant.

9. Section 12 of the Protection of Human Rights Act, 1993 empowers the SHRC to enquire, either suo motu or on a petition, into complaints of human rights violations or abetment thereof. Section 13 confers upon the SHRC the powers of a Civil Court under the Code of Civil Procedure while conducting such an enquiry, including the power to summon and examine witnesses and receive evidence by way of affidavit.



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10. In the present case, the complainant did not file an affidavit in lieu of examination-in-chief, nor was he called upon by the SHRC to lead evidence. Thus, there was no evidentiary basis to support the allegations of police misconduct.

11. The explanation provided by the petitioner for bringing the complainant and his companions to the police station is satisfactory and does not suggest any mala fide intent. His conduct does not amount to a violation of human rights. On the contrary, it appears to have been a preventive measure taken in the interest of maintaining peace and order.

12. The decisions relied upon by the learned counsel for the second respondent pertain to the fundamental rights guaranteed under Articles 25 and 26 of the Constitution and are not applicable to the factual matrix of this case, which pertains to an alleged violation of human rights by a police officer.



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13. In view of the foregoing discussion, this Court is of the considered opinion that there was no violation of the complainant's human rights by the petitioner. The impugned order dated 03.10.2020 passed by the SHRC in SHRC Case No. 2414 of 2019 is legally unsustainable and is, therefore, liable to be set aside.

14. Accordingly, the impugned order is set aside. The Writ Petition is allowed. Consequently, the connected miscellaneous petition is closed. 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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**M. SUNDAR, J.
and
HEMANT CHANDANGOUDAR, J.**

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**Pre-Delivery Order in
W.P No. 15617 of 2021
AND
WMP.No.16532 of 2021**

11.08.2025



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ADDENDA
W.P.No.15617 of 2021

M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,
(Order of the Court was made by **M.SUNDAR, J.,**)

Captioned matter is listed today under the cause list caption 'FOR BEING MENTIONED' at the instance of learned counsel for the second respondent.

2. Mr.M.Purushothaman, learned counsel representing Mr.D.Vijay, learned counsel on record for writ petitioner, Mr.Arun Anbumani, learned counsel for R1 and Dr.G.J.R.Anthony Kennedy, learned counsel for R2 are before us.

3. Learned counsel for second respondent submitted that in the appearance portion of the order pronounced on 11.08.2025, name of the second respondent has been wrongly typed as Dr.G.J.R.Anothony Kennedy instead of Dr.G.J.R.Anthony Kennedy.

4. In the light of above submission, in the appearance portion, name of learned counsel for the second respondent Dr.G.J.R.Anothony Kennedy should be read as ***Dr.G.J.R.Anthony Kennedy***.



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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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5. All the afore-referred counsel on either side agreed to have the aforementioned correction made. In all other aspects, the order dated 11.08.2025 remains the same. Therefore, this order will now be made as 'Addenda' and Corrigendum / Errata to 11.08.2025 order already pronounced in open court and already uploaded. This order will now be uploaded as 'ADDENDA' to / along with order made by this Court on 11.08.2025 and the Registry is directed to carry out necessary and consequential corrections and shall issue certified copies accordingly.

[M.S.J.,] [H.C.J.,]
12.09.2025

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