



W.P.No.14150 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.14150 of 2020

and

W.M.P.No.17611 of 2020

1. P.Jawahar
S/o.Peter Papu

2. C.Praveenkumar
S/o.Chinnaraju

3. L.Anuradha
W/o.Saravanan

... Petitioners

vs.

1. The State Human Rights Commission
Tamil Nadu
Rep. by its Secretary
Thiruvarangam Maaligai
Greenways Road
Raja Annamalaipuram
Chennai-600 028.

2. Adhilakshmi
W/o.Sekar

3. The Secretary to Government



WEB COPY



W.P.No.14150 of 2020

Home Department
Secretariat
Chennai-600 009.

... Respondents

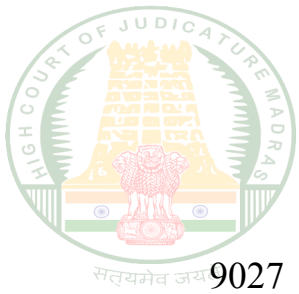
Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the entire records on the file of the 1st respondent herein relating to the 1st respondent's impugned order passed in S.H.R.C.No.9027 of 2018 dated 15.06.2020 and quash the same as illegal.

For Petitioners	:	Mr.B.Ganesha Moorthy
For Respondents	:	Mr.T.C.Gopalakrishnan for R1 Mr.Vijayakumar representing Mr.P.Udayashankar for R2 Mr.K.Suresh Government Advocate, for R3

ORDER

[Order of the Court was made by **HEMANT CHANDANGOUDAR.J.,**]

The captioned Writ Petition (hereinafter referred to as “WP” for the sake of brevity, convenience, and clarity) has been filed seeking issuance of a writ of certiorari to set aside the order dated 15.06.2020 passed by the State Human Rights Commission, Tamil Nadu (hereinafter referred to as “SHRC” for the sake of brevity, convenience, and clarity) in SHRC No.



W.P.No.14150 of 2020

WEB COPY

9027 of 2018. In the said order, the Secretary to Government, Home Department, Secretariat, Chennai, was directed to pay compensation of Rs.2,00,000/- to the complainant, and the Government of Tamil Nadu was directed to recover Rs.1,00,000/- from the first respondent therein and Rs.50,000/- each from the second and third respondents therein.

2. For the sake of clarity and convenience, parties are referred to by their respective rankings before the SHRC.

The factual background is as follows:

3.1. The complainant filed a complaint before the SHRC stating that on 13.09.2018 at about 7:00 p.m., one police constable, Praveen, knocked on the complainant's head and told her that Inspector of Police, Jawahar, would "peel her skin." She was then taken to the Inspector, who questioned whether she was a "rowdy" or a "don," and threatened to include her name in the rowdy list. She was subsequently taken to the police station in a jeep. When her son questioned this, he too was taken to the station. At the police station, the complainant was made to sit on the floor. Constable Praveen allegedly verbally abused her and attempted to assault her. The complainant was allowed to go home at midnight, but her son was kept at the station.



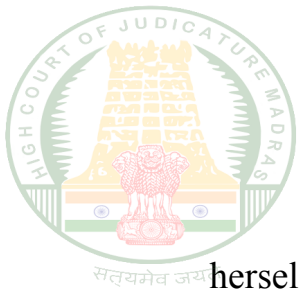
W.P.No.14150 of 2020

WEB COPY

3.2. The next morning, when the complainant visited the police station again, Police Constable Anuradha allegedly accused her of giving a knife to people involved in a public altercation during Vinayaka Chaturthi celebrations. The complainant alleged that she was not given food or water throughout the day and fainted due to exhaustion. At about 5:00 p.m. on 14.09.2018, she was taken to G.T. Court, where the Inspector threatened her not to reveal anything to the Magistrate.

3.3. The learned Magistrate ordered medical treatment and spoke privately with the attending doctor. The complainant informed the doctor that she had swallowed beads, and the X-ray confirmed the presence of beads in her chest. At 8:00 p.m. on the same day, she was taken back to the police station, and at 9:00 p.m., she was brought to the Magistrate's residence. Upon revealing her ordeal, the Magistrate directed the Inspector to admit her to Stanley Government Hospital and informed that he would visit her there. On the following day (15.09.2018), the Magistrate visited the hospital and recorded her statement. After the Magistrate left, police personnel allegedly pointed a gun at her and threatened her.

4. The respondents denied all allegations. The complainant examined



W.P.No.14150 of 2020

WEB COPY

herself as P.W.1 and marked Ex.P1. The first respondent examined himself as R.W.1 and marked documents Ex.R1 to Ex.R3.

5. The SHRC, after examining the oral and documentary evidence on record, found that the respondents had violated the complainant's human rights and passed the impugned order.

6. Mr. B. Ganesha Moorthy, learned counsel for the petitioners (respondents before the SHRC), submitted that the remand order dated 15.09.2018 does not contain any complaint of harassment or threat by the police, leading the complainant to swallow a ring and beads. He argued that there was no substantive material to prove harassment or torture by the respondents during custody, and no evidence to establish that the arrest was in violation of human rights or Supreme Court guidelines.

7. In response, Mr. Vijayakumar, learned counsel representing the second respondent/complainant, submitted that the materials on record clearly show that the arrest was in contravention of Supreme Court guidelines. He contended that the complainant swallowed a ring due to harassment by the police. Therefore, in the absence of any perversity in the SHRC's order, no interference is warranted.



W.P.No.14150 of 2020

WEB COPY

8. Mr. T.C. Gopalakrishnan, learned counsel for R1 – SHRC, adopted the submissions made on behalf of the complainant and sought dismissal of the writ petition.

9. The arguments of all parties have been duly considered.

10. A case was registered against the complainant in Crime No. 847 of 2018 on 14.09.2018 for offences under Section 75 of the Tamil Nadu City Police Act, 1888, and Section 7(1)(a) of the Criminal Law Amendment Act, 2005, the latter being a non-bailable offence. The complainant was arrested at about 8:15 a.m. on 14.09.2018 and produced before the learned Magistrate at 5:00 p.m. the same day. The respondents submitted Ex.R2 — Accident Register, which shows the complainant swallowed beads at 8:00 p.m. The remand order dated 15.09.2018 (Ex.R3) issued by the XV Metropolitan Magistrate, George Town, shows that the Magistrate reached Stanley Government Hospital at 2:40 p.m., where the duty doctor noted that no complaint was made against the police, and the accused was conscious and stable.

11. The records show the complainant was remanded until 28.09.2018. Hence, the SHRC's finding that the complaint was based on



W.P.No.14150 of 2020

WEB COPY

torture is not legally sustainable. Similarly, its finding that the complainant was detained for more than 24 hours before being presented to a Magistrate is also unsustainable. However, in cross-examination, the first respondent admitted that he had not submitted records (such as the General Diary or Duty Roster) to prove that a woman constable was present at the time of arrest. Therefore, the arrest was in violation of the Code of Criminal Procedure, 1973, and Supreme Court guidelines. To that extent, the SHRC's conclusion is correct.

12. However, the complainant did not substantiate the allegations against respondents 2 and 3. Therefore, the SHRC's order to recover compensation from them is not legally sustainable.

13. In light of the foregoing, this Court passes the following order:

- (i) Insofar as the first respondent before the SHRC (first petitioner herein) is concerned, the writ petition is dismissed, and the impugned order dated 15.06.2020 passed in SHRC No. 9027 of 2018 is confirmed;
- (ii) Insofar as the second and third respondents (second and third petitioners herein) are concerned, the writ petition is allowed, and



WEB COPY



W.P.No.14150 of 2020

the impugned order dated 15.06.2020 passed in SHRC No. 9027 of 2018 is set aside.

14. It is noted that Rs.1,00,000/- has already been recovered from the first respondent before the SHRC (first petitioner herein), who has also since retired upon attaining the age of superannuation.

15. Accordingly, the writ petition is partly allowed. The connected Writ Miscellaneous Petition is closed. There shall be no order as to costs.

(M.S.J.) (H.C.J.)
15.07.2025

Index : Yes / No
Neutral Citation : Yes / No
Speaking / Non-speaking
mk



W.P.No.14150 of 2020

WEB COPY

To

1. The State Human Rights Commission
Tamil Nadu, Rep. by its Secretary
Thiruvarangam Maaligai
Greenways Road
Raja Annamalaipuram
Chennai-600 028.
2. The Secretary to Government
Home Department
Secretariat, Chennai-600 009.



WEB COPY



W.P.No.14150 of 2020

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

mk

W.P.No.14150 of 2020

15.07.2025

Page Nos.10/10