



W.P.No.14734 of 2020

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2025

CORAM

THE HONOURABLE Mr. JUSTICE M.SUNDAR

AND

THE HONOURABLE Mr. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.14734 of 2020

AND

W.M.P.No.18311 of 2020

V.Adhimoolam

.. Petitioner

Vs.

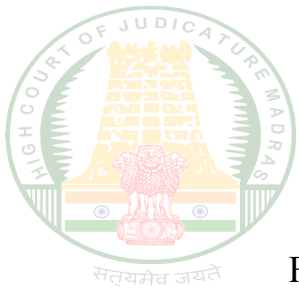
1.The Principal Secretary to Government
Home, Prohibition and Excise Department
Secretariat, George Fort
Chennai 600 009

2.The Secretary
State Human Rights Commission
Thiruvarangam
No.143, P.S.Kumarasamy Raja Salai
Greenways Road, Chennai 600 028

3.N.Karthick

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of a writ of certiorari calling for the records in respect of the recommendation dated 03.07.2018 in SHRC.No.193 of 2014 ordered by the second respondent, quash the same.



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For petitioner : Mr.K.Venkataramani
Senior Counsel for
Mr.A.G.Rajan

For 1st respondent : Mr.P.Balathandayutham
Special Government Pleader

For 2nd respondent : Mr.R.Prathap Kumar
Standing Counsel

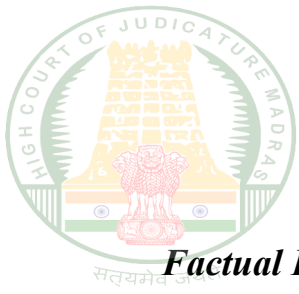
For 3rd respondent : No appearance

ORDER

(made by HEMANT CHANDANGOUDAR, J.)

The order dated 03 July 2018 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.193 of 2014 is under challenge in the captioned main writ petition (hereinafter referred to as “WP” for brevity). By the said order, the SHRC directed the Government of Tamil Nadu to pay a sum of Rs.1,00,000/- (Rupees one lakh only) to the complainant as compensation, recover the said amount from the petitioner/first respondent therein, and also recommended initiation of disciplinary action against the petitioner/first respondent therein.

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



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Factual Background

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3. The complainant filed a petition before the SHRC stating that one Lakshmiyammal had requested his parents to maintain her property. Thereafter, the complainant's parents constructed a small house on the said property and had been living there for the past 23 years along with his sisters, Mala and Devi, and his uncle Rajini.

4. According to the complainant, in October 2013, Lakshmiyammal, the owner of the property, visited them along with some hooligans and threatened them to vacate. Consequently, the complainant's mother lodged a criminal complaint before the 1st respondent police. However, the Inspector of Police advised that, as the dispute was civil in nature, they should approach the civil court for appropriate relief.

5. The complainant's family then filed O.S. No.234 of 2013 before the Subordinate Judge, Kancheepuram, which is still pending, and issued notice to Lakshmiyammal. In the meantime, Lakshmiyammal lodged a criminal complaint against the complainant's family at Mangadu Police Station in November 2013. The complainant undertook to appear before the police on 18.11.2013 and left the station. However, on 17.11.2013, at about 4.30 a.m., all



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the respondents allegedly trespassed into the complainant's house, assaulted the complainant, his maternal uncle, his father, and his sisters, dragged them into a police van, and took them to the police station. They were allegedly kept in the lock-up, the complainant was handcuffed, denied water and food, prevented from attending to nature's calls, and tortured. Thereafter, they were remanded to judicial custody.

6. The present writ petitioner, who was the first respondent before the SHRC, denied all allegations in the complaint. He stated that one Rajesh Gopal had lodged a complaint with the jurisdictional police, registered as C.S.R. No.1499/2013. According to Rajesh Gopal, in 1993, his mother, Komala Gopal, had purchased house plots 4 and 5 in Gurusamy Nagar Extension, measuring 3,632 sq. ft., and had constructed a house there. On 13.11.2013, when Rajesh Gopal visited his property, he allegedly found that a small house had been constructed there and was being illegally occupied by one Natarajan and his family.

7. Acting on Rajesh Gopal's complaint, the first respondent registered FIR No.2156/2013 against Natarajan and his family members for offences



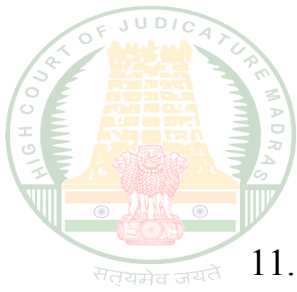
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punishable under Sections 448 and 506(i) IPC. They were arrested and remanded to judicial custody. According to the petitioner, the arrest was carried out in compliance with the guidelines issued by the Hon'ble Supreme Court.

8. In support of his case, the complainant examined himself as P.W.1 and marked Exs.P1 to P11. The respondents, however, did not adduce any evidence to prove their defence.

9. Upon evaluating the material on record, the SHRC held that the first respondent had violated the human rights of the complainant and passed the impugned order.

10. Mr. K. Venkataramani, learned Senior Counsel appearing on behalf of Mr. A.G. Rajan, learned counsel for the writ petitioner, submitted that in the absence of substantial evidence to prove violation of human rights by the petitioner, the impugned order is unsustainable. He further submitted that the complainant's arrest was effected by the Sub-Inspector of Police and not by the petitioner. Therefore, the SHRC's finding that the arrest violated Supreme Court guidelines is erroneous and liable to be set aside.



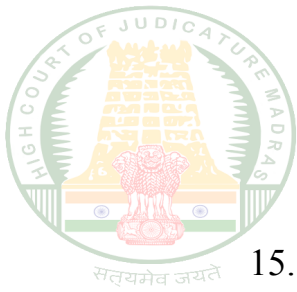
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11. The complainant/third respondent in the WP, though served with notice and named in the cause list, has not chosen to appear in person or through counsel.

12. Mr. R. Prathap Kumar, learned Standing Counsel for the SHRC, submitted that the evidence on record clearly established that the petitioner had violated the complainant's human rights. He argued that the SHRC had properly appreciated the evidence and passed the impugned order, which calls for no interference.

13. Mr. P. Balathandayutham, learned Special Government Pleader appearing for the State, adopted the submissions of the learned Standing Counsel for the SHRC.

14. The offences alleged against the complainant are punishable with imprisonment of less than seven years. Therefore, before effecting arrest, police officers were required to follow the procedure prescribed under Sections 41 and 41-A of the Cr.P.C. In this case, the arrest was made without complying with these provisions or the guidelines issued by the Hon'ble Supreme Court.



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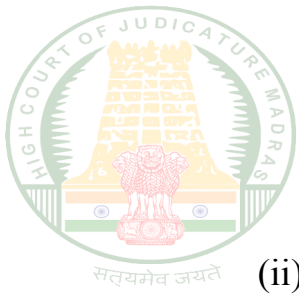
15. The arrest card of the complainant shows that the arrest was effected by the Sub-Inspector of Police. However, the arrest report was not produced before the SHRC. In these circumstances, the SHRC's finding that the arrest violated the Cr.P.C. provisions and the Supreme Court guidelines cannot be faulted.

16. Further, the petitioner did not enter the witness box to rebut the allegation that the complainant was subjected to torture and harassment while in police custody. Consequently, the complainant's testimony remains uncontroverted. Based on this evidence, the SHRC rightly concluded that the petitioner had violated the complainant's human rights.

17. However, with regard to the SHRC's recommendation to initiate disciplinary action against the petitioner, this Court notes that there is no record of any prior violation of human rights by the petitioner in the discharge of his duties as a police officer. Accordingly, the said recommendation warrants interference.

18. In light of the above discussion, this Court passes the following order:

(i). The writ petition is allowed in part.



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(ii). The impugned order, insofar as it directs the Government of Tamil Nadu to pay compensation of Rs. 1,00,000/- (Rupees one lakh only) to the complainant, is confirmed. The Government's right to recover the said sum from the petitioner/first respondent before the SHRC is also confirmed.

(iii).The recommendation to initiate disciplinary action against the petitioner/first respondent before the SHRC, recorded in clause (iii) of paragraph 37 of the impugned order, is set aside.

(iv). It is made clear the order passed by SHRC, and this instant order shall not impact the service conditions of the Petitioner herein.

(v). The connected WMP is closed. There shall be no order as to costs

(M.S., J.) (H.C., J.)
12.08.2025

Index : Yes/No

Neutral Citation : Yes/No

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To

1.The Principal Secretary to Government
Home, Prohibition and Excise Department
Secretariat, George Fort
Chennai 600 009

2.The Secretary
State Human Rights Commission



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M.SUNDAR, J.
AND
HEMANT CHANDANGOUDAR, J.
gva

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