



W.P.No.17028 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2025

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

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.17028 of 2021

and

W.M.P.No.18046 of 2021

G.Patcha Muthu
S/o.Govindraj

... Petitioner

VS.

1. The Principal Secretary to Government
Government of Tamil Nadu
Home, Prohibition and Excise Department
Secretariat, Fort St.George
Chennai-600 009.
2. The Registrar
State Human Rights Commission - Tamil Nadu
No.143, P.S.Kumarasamy Raja Salai
Greenways Road
Chennai-600 028.
3. F.Leonard
S/o.J.Francis

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records pertaining to the impugned order dated 07.05.2021 in S.H.R.C.No.3759 of 2019 passed by the 2nd respondent and quash the same with regard to the petitioner is concerned insofar as the relief (ii) namely, the recommendation to the 1st respondent to initiate disciplinary action the petitioner.

For Petitioner	:	Mr.S.Ilamuhil
For Respondents	:	Mr.P.Balathandayutham Special Government Pleader, for R1 Mr.T.K.Saravanan, for R2 R3 - No appearance

ORDER

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

The captioned Writ Petition (hereinafter, “WP” for the sake of brevity, convenience, and clarity) has been filed seeking the issuance of a writ of certiorari to quash the order dated 07.05.2021 passed by the State Human Rights Commission, Tamil Nadu (hereinafter, “SHRC” for the sake of brevity, convenience, and clarity) in SHRC Case No.3759 of 2019 (hereinafter referred to as "Impugned Order").



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2. For the sake of convenience, the parties shall be referred to by their respective rankings before the SHRC.

3. Factual Background

3.1. The complainant (third respondent herein), claiming to be the Managing Director of M/s.Evershine Wind Technologies Private Limited, lodged a complaint before the SHRC. His allegation was that one Ramalingam had invested a sum of Rs.7,30,000/- in a project, and towards securing such investment, the complainant had issued blank cheques and signed stamp papers. On account of certain misunderstandings, the complainant could not repay the said investment to Ramalingam.

3.2. According to the complainant, pursuant to Ramalingam's complaint, the respondents before SHRC summoned him to the police station on more than one occasion from 21.11.2018 onwards and pressurised him to repay the money. On 28.03.2019, the second respondent (writ petitioner herein) directed the complainant to appear for an enquiry on 01.04.2019. It was alleged that, upon his arrival at the police station, the second respondent abused him in filthy language and assaulted him with a



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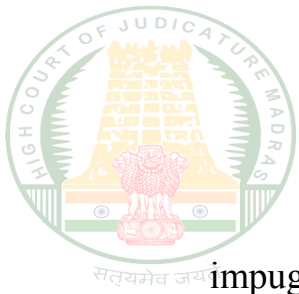
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pipe without any cause, as a result of which he sustained injuries.

3.3. The complainant further alleged that, acting on the directions of the first respondent, the second respondent received Rs.1,00,000/- in cash and two cheques for Rs.6,30,000/- each from him and released him only on the following day. Thereafter, he was admitted to KMC Hospital, Chennai, where he was treated for five injuries.

3.4. The respondents appeared before the SHRC and denied all allegations. After considering the complaint and the written statement, the SHRC passed the impugned order dated 07.05.2021 directing the Government of Tamil Nadu to pay Rs.25,000/- as compensation to the complainant. The SHRC also directed recovery of Rs.12,500/- each from the respondents and recommended initiation of disciplinary proceedings against them.

4. Mr. G. Ilamuhil, learned counsel for the writ petitioner / second respondent before SHRC, contended that the SHRC had failed to follow the mandatory procedure prescribed under Section 13 of the Protection of Human Rights Act, 1993 (hereinafter, “the Act”). He submitted that the



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impugned order had been passed without any proper enquiry and in the absence of substantive evidence to establish violation of the complainant's human rights.

5. Mr. T.K. Saravanan, learned counsel appearing for the SHRC, submitted that the Commission, after considering the available material, had rightly found that the petitioner violated the complainant's human rights. According to him, the order suffers from no illegality or infirmity warranting interference under Article 226.

6. Although the complainant / third respondent was duly served with notice and his name was printed in the cause list, he has neither chosen to appear in person nor through counsel before this Court.

7. The rival submissions have been considered and the materials placed on record have been carefully examined.

8. It is not in dispute that, apart from the bare averments in the complaint, the complainant did not step into the witness box before the SHRC to substantiate his allegations. He did not produce any documentary evidence to prove that he had sustained injuries due to the alleged assault by



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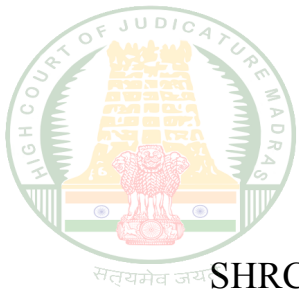
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the writ petitioner.

9. The SHRC, in its order, referred to an Outpatient (OP) chit issued by KMC Hospital, Chennai, dated 03.04.2019, and concluded that the complainant had suffered contusions on his left arm and left calf as a result of the alleged assault on 01.04.2019. However, this OP chit was neither formally marked as an exhibit before the SHRC nor confronted to the writ petitioner during enquiry. Moreover, the chit itself recorded that the injuries were due to an assault by a non-police person. Therefore, it could not have been relied upon to fasten liability on the writ petitioner, who was admittedly a police officer.

10. Similarly, photographs allegedly produced by the complainant to show that he was assaulted with PVC pipes were never filed before the SHRC. As such, no evidentiary value could be attached to them.

11. It is a settled principle that the SHRC, while exercising its statutory functions, is bound to conduct an enquiry in accordance with Section 13 of the Act. In the present case, no such enquiry was held, nor were the allegations proved by admissible evidence. The findings of the



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SHRC, therefore, rest solely on unsubstantiated averments, which do not meet the threshold of proof required to establish violation of human rights.

12. In view of the above discussion, this Court holds that the impugned order of the SHRC dated 07.05.2021 in SHRC Case No.3759 of 2019, insofar as it relates to the writ petitioner herein, is unsustainable in law.

13. Accordingly, the captioned Writ Petition stands allowed and the impugned order is set aside as against the writ petitioner. 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 / No
Neutral Citation : Yes / No
Speaking / Non-speaking

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

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To

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