



W.P.No.25545 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 29.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and
THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.25545 of 2019
&
W.M.P.No.25077 of 2019

1. Mr.Moovendar
S/o.Masilamani

2. Mr.R.Radhakrishnan
S/o.Ramaiyan

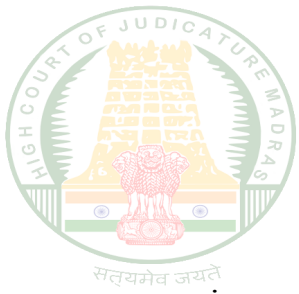
... Petitioners

vs.

1. The Registrar
State Human Rights Commission - Tamil Nadu
Thiruvaramangam
No.143, P.S.Kumarasamy Raja Salai
(Greenways Road)
Chennai - 600 028

2. Mr.R.Madan Mohan

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records pertaining to SHRC Case No.8036 of 2011 and set aside the order dated 18.02.2019 passed by the first respondent and consequently dismiss the complaint preferred by the second respondent.

For petitioners : Mr.P.Sesubalan Raja

For Respondents : Mr.K.Suresh

Government Advocate for R1

R2- served (No appearance)

ORDER

[Order of the Court was made by M.SUNDAR, J.]

1. Captioned writ petition has been filed for issuing a writ of certiorari assailing an order dated 18.02.2019 passed by 'State Human Rights Commission, Tamil Nadu' [hereinafter 'SHRC' for the sake of brevity] in S.H.R.C Case in 8036 of 2011. By the said order, SHRC directed the Additional Chief Secretary to Government, Home Department, Secretariat, Chennai to pay a sum of Rs.1,00,000/- as compensation to the complainant and recover a sum of Rs.50,000/- each from the respondents

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before SHRC / petitioners herein and also recommended to the Government to initiate Disciplinary Proceedings against the second respondent before SHRC for misusing his power.

2. Factual background of the case is as follows:

2.1.The second respondent herein filed a complaint before SHRC stating that he was implicated on a complaint given by Thiru.Gunaseelan to Deputy Inspector General of Police, Thanjavur, which was referred to Superintendent of Police of Thanjavur. The said complaint was duly enquired and closed by both the higher official. However, a case in Crime No.420 of 2011 was registered by the first respondent before SHRC against the complainant, his son-in-law and daughter. The second respondent before SHRC has registered another case in Crime No.1096 of 2011 for the offences under SEctions 341, 363 and 307 IPC. The complainant further states that he retired as a Sub-Inspector and he arranged a function on 21.08.2011 at 03.00pm for opening ceremony of a statute of his mother and Thirukural book launch. After reaching his house at 06.30pm on 20.08.2011, the respondents before SHRC/ the petitioners herein along with police personnel came to his residence and arrested him. However, the



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reason for arrest was not disclosed to the complainant.

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3. The petitioner before SHRC /complainant to prove his case examined himself as PW1 and marked documents as Exs.P1 to P6. PW2- Mrs.Devika was examined and she deposed about the ill-treatment of the complainant in the hands of the respondents at the police station. Thiru.Kanagavel, who was examined as PW3, spoke about the medical



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treatment of the complainant. Thiru.Balamurugan, who was the car driver of the complainant, was examined as PW4 and he deposed that he took the complainant from Chennai to his native place when he saw the police officials dragging the complainant to the police station without his shirt.

4. Respondent No.2 before SHRC was examined as RW1 and he filed two documents, which was marked as Exs. R1 and R2.

5. SHRC, after perusing the records came to the conclusion that the petitioners herein / respondents before SHRC have violated the human rights of the complainant and passed the impugned order.

6. Mr.Sesubalan Raja, learned counsel for petitioner submitted that in the absence of any corroborative evidence to substantiate that the petitioners have violated the human rights of the complainant by assaulting him, the impugned order passed by SHRC is not legally sustainable.

7. Per contra, Mr.K.Suresh, learned Government Advocate for R1-SHRC submitted that the evidence on record establishes that the petitioners violated the human rights of the complainant and SHRC, after evaluating the said evidence on record in a proper perspective, has rightly passed the impugned order and the same does not warrant interference.



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8. Though R2 has been served and his name has been duly shown in the cause list, he has not chosen to enter appearance either in person or through counsel. Therefore, the matter is heard out on the basis of records available before us and on the basis of the submission of the learned counsel for the parties before us.

9. The arguments of all the learned counsel were duly considered.

10. PW1, the complainant in his proof affidavit has stated that he was arrested in Crime No.1096 of 2011 and at the time of arrest and during his police custody, he was assaulted by R1 and R2/petitioners herein. PW1 was cross-examined by R2 before SHRC and a suggestion was made that the allegation of assault is false to which PW1 denied. Ex.P3 is the remand order and on a perusal of Ex.P3, it is seen that the learned Magistrate has recorded that grounds of arrest and right to engage a counsel has been informed to the complainant at the time of arrest and on appearance of the accused found no injury. Although SHRC in its order has recorded that PWs 2 to 4 were examined as witnesses by the complainant to substantiate that the complainant was assaulted by the respondents before SHRC, but there is no discussion on the testimonies of



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the said witnesses. A perusal of the deposition of PWs 2 to 4 would indicate that there are inconsistencies and contradictions as regards the assault made by the respondents before SHRC. The complainant has not produced any documentary evidence in the form of medical records to substantiate that he sustained injury due to the alleged assault made by the respondent despite stating that he had taken treatment in Jail hospital. PW2 in her cross-examination in chief has categorically stated that she is the resident of neighbouring village and she had seen the incident of respondents before SHRC assaulting the complainant through the window of the police station. Therefore, the evidence of PW2 cannot be said to be credible or trustworthy. In the absence of any substantial evidence to establish that the respondents before SHRC assaulted the complainant at the time of arrest and during custody, the impugned order passed by SHRC is not legally sustainable.

11. Accordingly, the captioned writ petition is allowed, the impugned order dated 18.02.2019 passed by the State Human Rights Commission, Tamil Nadu in S.H.R.C Case No.8036 of 2011 is hereby set aside. Consequently, the connected miscellaneous petition is closed. There shall



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be no order as to costs.

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[M.S., J.]

[H.C., J.]

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Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order
gpa

To

The Registrar

State Human Rights Commission - Tamil Nadu

Thiruvarangam

No.143, P.S.Kumarasamy Raja Salai

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and
HEMANT CHANDANGOUDAR, J.

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