



WP No. 18681 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : **12-06-2025**

Delivered on : **19-06-2025**

CORAM

THE HONOURABLE MR JUSTICE M. SUNDAR

AND

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 18681 of 2021

AND

WMP.Nos. 19932 & 19933 of 2021

1.Shenbagavalli,
Sub Inspector of Police,
Then J-10, Semmencherry Police Station,
Chennai.

2.R.Singaravelu,
Police Constable,
Then J-10, Semmencherry Police Station,
Chennai.

..Petitioners

Vs

1.The State Human Rights Commission of Tami Nadu,
Rep. by its Registrar,
No.143, P.S.Kumarasamy Raja Salai,
Chennai-600028.

2.O.Somasundaram

..Respondents



WP No. 18681 of 2021

Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorari, call for the records of the 1st respondent's impugned order in SHRC Case No. 10658 of 2018 dated 22.03.2021 and to quash the same as illegal and pass such further or other orders.

For Petitioners : Mr. M.Purushothaman

For Respondent : Ms. S.Usha Rani – R1

For Mr S.Muthukumar

Mr T.Harish Chowdhary – R2

ORDER

HEMANT CHANDANGOUDAR, J.

The petitioners, who are police personnel, have approached this Hon'ble Court challenging the order dated 22.03.2021 passed by the State Human Rights Commission, Tamil Nadu (hereinafter referred to as the 1st respondent), whereby the Additional Chief Secretary to Government, Home Department, Secretariat, Chennai, was directed to pay a sum of



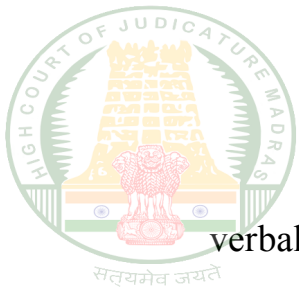
WP No. 18681 of 2021

WEB COPY Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) as compensation to the 2nd respondent/complainant. The said order further reserved the right of the Government to recover a sum of Rs.1,00,000/- from petitioner No.1 and Rs.50,000/- from petitioner No.2 respectively.

Brief Facts Leading to the Filing of the Present Writ Petition:

2.1 The 2nd respondent/complainant is a retired police constable. After his retirement, he became acquainted with one Jahangir, who was working as the manager of a restaurant by the name of Green Coconut. When Jahangir was arrested in connection with a criminal case, the complainant introduced him to an advocate to assist with his legal representation.

2.2 It is the case of the 2nd respondent/complainant that on 31.10.2018, at approximately 9:30 a.m., while he was at his residence, the petitioners visited his house. It is alleged that petitioner No.1 verbally abused him and informed him that she had come in search of him. Thereafter, he was allegedly dragged out of his house, subjected to further



WP No. 18681 of 2021

verbal abuse, and petitioner No.2 is said to have joined in the alleged harassment.

2.3 The complainant was allegedly compelled to ride his two-wheeler in heavy rain and was forcibly taken to the Semmencherry Police Station. At the police station, he was allegedly directed to remove his clothing, physically assaulted, and forced to squat on the floor, despite informing the petitioners that he had surgical plates inserted in his legs due to a prior accident. The complainant has further alleged that he was assaulted by petitioner No.1 while in police custody.

2.4 According to the complainant, petitioner No.1 stated that Jahangir had cheated a woman by having a physical relationship with her and later abandoning her. The complainant was allegedly detained at the police station until 11:30 p.m. on the same day, i.e., 31.10.2018, and was then allowed to return home. Thereafter, he filed a complaint before the 1st respondent – Commission on 19.11.2018, seeking appropriate action against the petitioners for the alleged violation of his human rights.



WP No. 18681 of 2021

2.5 The petitioners filed separate counter affidavits before the 1st

respondent – Commission, specifically denying the allegations made by the complainant. Petitioner No.1 examined herself as RW1 and produced documents marked as Exhibits R1 to R5. The complainant examined himself as PW1 and also marked documents in support of his claim.

2.6 After a detailed evaluation of the oral and documentary evidence placed before it, the 1st respondent – Commission concluded that the complainant had been subjected to illegal detention, verbal and physical abuse while in police custody, which amounted to a gross violation of his human rights. Accordingly, the Commission passed the impugned order awarding compensation and enabling the Government to recover the said amount from the petitioners in the proportions mentioned. Hence, the present writ petition has been filed challenging the legality, and correctness of the impugned order dated 22.03.2021.

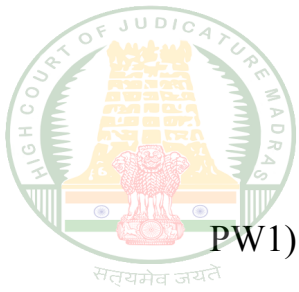


WP No. 18681 of 2021

WEB COPY

3. Mr. M. Purushothaman, learned counsel appearing for the petitioners, submitted that the impugned order passed by the 1st respondent – State Human Rights Commission is legally unsustainable inasmuch as it is solely based on the self-serving and uncorroborated statement of the 2nd respondent/complainant. It was argued that there is no independent, cogent, or credible evidence on record to establish that the petitioners dragged the complainant out of his residence, forcibly transported him to the police station, or subjected him to any form of physical or mental abuse. In the absence of substantiating material evidence, it was contended that the findings of the 1st respondent – Commission are arbitrary, discriminatory, and are liable to be set aside.

4. In response, Mr. T. Harish Chowdhary, learned counsel appearing for the 2nd respondent/complainant, submitted that as on the date of the incident, the complainant was approximately 72 years of age, and in view of the proviso to Section 160 of the Code of Criminal Procedure, 1973, he ought not to have been summoned to the police station. Instead, it was incumbent upon the police to record any statement at his place of residence. He further submitted that the oral evidence of the complainant (examined as



WP No. 18681 of 2021

PW1) as well as the documents marked as Exhibits P1 to P5 remained uncontroverted during cross-examination and were not disproved by the petitioners. On the basis of such unimpeached evidence, the Commission had rightly appreciated the facts and circumstances of the case and passed the impugned order awarding compensation. It was therefore submitted that in the absence of any perversity, arbitrariness, or manifest illegality in the findings of the 1st respondent – Commission, no interference is warranted by this Court under Article 226 of the Constitution of India.

5. Ms. S. Usha Rani, learned counsel appearing for the 1st respondent – Commission, supported the impugned order and submitted that the Commission had duly examined the pleadings, oral and documentary evidence, and arrived at a reasoned conclusion. It was contended that the findings are based on material on record and were passed in accordance with law and principles of natural justice.



WP No. 18681 of 2021

WEB COPY 6. We have given careful consideration to the rival submissions advanced by the learned counsel on either side and perused the pleadings, evidence, and documents placed on record. Upon such consideration, the following observations emerge:

6.1 The 2nd respondent/complainant, in his affidavit filed in lieu of chief examination, has reiterated the averments made in the complaint submitted before the 1st respondent – Commission. He admitted that on the date of the alleged incident, he was residing with his wife and children. During the course of cross-examination, the complainant further admitted that neither his wife nor children made any attempt to inquire about his whereabouts or initiate any steps to search for him from the time he was allegedly taken away by the petitioners until his return home at around 11:30 p.m. the same day. He also admitted that although the Inspector of Police had directed the petitioners to send him back home, the petitioners failed to comply, and this allegation was not disclosed in the original complaint. He further admitted that he was not aware of whether CCTV



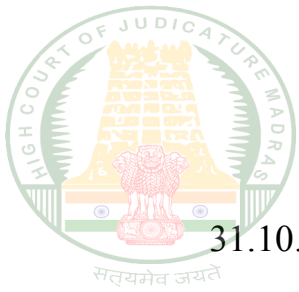
WP No. 18681 of 2021

WEB.COM

surveillance cameras were installed in the police station on the date of the incident.

6.2 While denying the suggestion that he assisted Jahangir in absconding—who was charged under serious offences including rape—he admitted that he had informed petitioner No.1 over the phone regarding Jahangir's arrest. He also stated that he had contacted the manager of a hotel owned by one J.M. Haroon and requested him to bring food, and subsequently, lunch and water were provided to him at the police station by the hotel manager during the afternoon.

6.3. On the other hand, petitioner No.1, in her affidavit filed in lieu of chief examination, deposed that an FIR in Crime No.1017 of 2018 had been registered against Jahangir for offences punishable under Sections 406, 417, and 376 of the Indian Penal Code, and that a special police team had been constituted to apprehend the said Jahangir, who was reportedly absconding. Pursuant to instructions issued by the Inspector of Police, petitioner No.1 along with petitioner No.2 visited the complainant's residence on



WP No. 18681 of 2021

31.10.2018 at around 9:00 a.m., and requested the complainant to appear

WEB COPY before the Inspector for enquiry.

6.4. It was further stated that the complainant voluntarily came to the police station accompanied by approximately 10 persons, including an advocate, certain political functionaries, and the owner of the Green Coconut restaurant. The Inspector of Police allegedly conducted an enquiry which lasted for about one hour, following which the complainant left the station. It was also stated that Jahangir was facing four criminal cases registered in Bengaluru City, thereby justifying the urgency of the investigation and the efforts made by the police to apprehend him.

6.5 During the course of cross-examination, the 1st petitioner (examined as RW1) denied all the suggestions put to her. No material elicited during her cross-examination substantiated the allegation that the 2nd respondent/complainant was forcibly taken to the police station or subjected to any form of physical or mental torture thereafter.



WP No. 18681 of 2021

6.6 The complainant himself admitted during his evidence that he was

a former athlete who had competed at the All India level, and that he was physically capable of working 12 to 13 hours a day, which prima facie contradicts the suggestion that he was physically vulnerable or incapable of resistance. He further admitted that he had known Jahangir for the past three years, having become acquainted with him through frequent visits to the Green Coconut resort. He also admitted that, at the time of the alleged incident, despite claiming that he was forcibly dragged from his house, none of the other family members who were present inside the residence came outside, allegedly due to the heavy rain thereby raising serious doubts about the plausibility of his version.

7. Upon a meticulous examination of the oral and documentary evidence placed on record by both parties, the following material aspects emerge:

7.1 The 2nd respondent/complainant, despite alleging that he was dragged from his home in the presence of his family members, has not examined any corroborative witnesses, such as his wife or children, who



WP No. 18681 of 2021

were admittedly present at the time of the alleged incident. Their testimony would have been material to substantiate his claims.

7.2 The complainant further admitted that he had contacted one J.M. Haroon over the phone, and that Haroon had subsequently brought him lunch and water at the police station. However, there is no evidence on record, either in the form of testimony or affidavit, from Haroon corroborating the complainant's narrative. Furthermore, there is no mention in the complaint regarding this aspect or why, despite the opportunity, the complainant did not narrate the alleged mistreatment to Haroon, thereby casting serious doubt on the veracity of the allegations.

7.3 The complainant admitted that he had contacted an advocate from his mobile phone during his alleged illegal detention, and that the said advocate had subsequently arrived at the police station and accompanied him home. However, there is no whisper of this in the complaint, nor was the advocate examined as a witness before the 1st respondent – Commission, which again creates a credibility gap in the complainant's case.



WP No. 18681 of 2021

WEB COPY 7.4 Most notably, the complainant failed to examine any independent witnesses, including J.M. Haroon, his wife, children, or the advocate, who could have shed light on the circumstances of the alleged incident. The absence of these crucial witnesses, coupled with material contradictions in the complainant's own testimony, renders his evidence inconsistent, uncorroborated, and untrustworthy.

7.5 It is also evident from the record that the complainant was summoned to the police station for the purpose of ascertaining the whereabouts of one Jahangir, against whom a criminal case for rape was registered and who was reportedly absconding at the relevant point in time. The summoning was made in the context of an ongoing criminal investigation, and the police were acting under instructions from the higher authorities.

7.6 The contention of the 2nd respondent that the petitioners were required to record his statement at his place of residence, as he was over 70



WP No. 18681 of 2021

years of age on the date of the incident in accordance with the proviso to

Section 160 of the Code of Criminal Procedure, 1973, is untenable. This

argument was not raised before the Commission, and there is no material on record to substantiate that the petitioners were aware that the 2nd respondent was aged more than 65 years at the relevant time. In any event, a mere procedural irregularity or technical illegality cannot, by itself, be a valid ground to conclude that the 2nd respondent was subjected to harassment or custodial torture at the hands of the petitioners.

8. In light of the foregoing discussion and on a comprehensive evaluation of the pleadings, oral evidence, and the materials placed on record, this Court is of the considered view that the 2nd respondent/complainant has miserably failed to establish that the petitioners had subjected him to any form of illegal detention, physical assault, or mental cruelty under the guise of investigation.

9. The absence of corroborative evidence from material witnesses, coupled with the contradictions and omissions in the complainant's own



WP No. 18681 of 2021

testimony, demonstrates that the sole reliance placed on the complainant's uncorroborated statement is not sufficient in law to sustain a finding of violation of human rights.

10. In the result, the impugned order passed by the 1st respondent in SHRC Case No. 10658 of 2018 dated 22.03.2021 is set aside. The writ petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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

19.06.2025

Index : Yes

Internet : Yes

Neutral citation : Yes

ak

To

The Registrar,
State Human Rights Commission of Tami Nadu,
No.143, P.S.Kumarasamy Raja Salai,
Chennai-600028.



WEB COPY



WP No. 18681 of 2021

M. SUNDAR, J.

and

HEMANT CHANDANGOUDAR

ak

Pre-delivery order in

WP No. 18681 of 2021

AND

WMP.Nos. 19932 & 19933 of 2021

19.06.2025