



W.P Nos. 20236, 21031, 21320,
21323, 21329 and 21333 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : **14-07-2025**

Delivered on : **11.08.2025**

CORAM

**THE HONOURABLE MR JUSTICE M. SUNDAR
AND
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR**

W.P Nos. 20236, 21031, 21320, 21323, 21329 and 21333 of 2022

and

WMP.Nos.19473, 20040, 20323,20328, 20332 and 20334 of 2022

W.P.No.20236 of 2022

Bala Kumar

..Petitioner

Vs

1.The Principal Secretary to Government
Home Department, Fort St.George,
Chennai-600009.

2.The Registrar,
State Human Rights Commission,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai-600028.

3. Pandi

..Respondents



W.P Nos. 20236, 21031, 21320,
21323, 21329 and 21333 of 2022

WEB C W.P.No.21031 of 2022

T.Selvam

..Petitioner

Vs

1.The Principal Secretary to Government
Home Department, Fort St.George,
Chennai-600009.

2.The Registrar,
State Human Rights Commission,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai-600028.

3.Easwaran

..Respondents

W.P.No.21320 of 2022

Bala Kumar

..Petitioner

Vs

1.The Principal Secretary to Government
Home Department, Fort St.George,
Chennai-600009.

2.The Registrar,
State Human Rights Commission,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai-600028.

3. Ganesan

..Respondents

W.P.No.21323 of 2022

T.Selvam

..Petitioner

Vs



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1.The Principal Secretary to Government
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Chennai-600009.

2.The Registrar,
State Human Rights Commission,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai-600028.

3.Ganesan

..Respondents

W.P.No.21329 of 2022

T.Selvam

..Petitioner

Vs

1.The Principal Secretary to Government
Home Department, Fort St.George,
Chennai-600009.

2.The Registrar,
State Human Rights Commission,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai-600028.

3. Pandi

..Respondents

W.P.No.21333 of 2022

Bala Kumar

..Petitioner

Vs

1.The Principal Secretary to Government
Home Department, Fort St.George,
Chennai-600009.



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2.The Registrar,
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Common Prayer : Writ Petitions are filed under Article 226 of Constitution of India, praying for issuance of certiorari, calling for the records relating to the 2nd respondent's order made in SHRC Case Nos. 9178, 9179 and 9180 of 2015 and quash the same.

For Petitioners: Mr.P.G.Santhosh Kumar
(in all WPs)

For Respondents:

(in all WPs) : Mr.K.Suresh, GA – R1
Ms.K.Gomathi
For Ms.R.Sumathi – R2
Mr.A.Ashwin Kumar – R3

COMMON ORDER

HEMANT CHANDANGOUDAR, J.

The captioned writ petitions have been filed seeking issuance of a writ of certiorari to quash the common order dated 13.04.2022 passed by the State Human Rights Commission, Tamil Nadu (hereinafter referred to as “SHRC” for



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the sake of brevity, clarity, and convenience) in SHRC Case Nos. 9178, 9719, and 9180 of 2015. By the said order, the Additional Chief Secretary to the Government, Home Department, Secretariat, Chennai, was directed to pay a sum of Rs.1,00,000/- to each of the three complainants, amounting in total to Rs.3,00,000/-, and recover a sum of Rs.1,50,000/- each from the petitioners herein, who were respondents 1 and 2 before the SHRC. Further, a recommendation was made to the Additional Chief Secretary to initiate disciplinary action against the said respondents.

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

3. Factual Background:

3.1. The complainants filed three separate complaints against the same respondents before the SHRC, arising from the same incident. Accordingly, a common enquiry was conducted. In their complaints, they alleged that on 07.09.2015, the first respondent (Deputy Superintendent of Police) and the second respondent (Inspector of Police) came to each of their homes and took



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them to Sembatti Police Station under the guise of conducting an enquiry in relation to a murder case that had occurred on 06.09.2015 at a wine shop. At the police station, the officers allegedly forced the complainants to undress and took their mobile phones, watches, and cash in the presence of other villagers. They were allegedly made to do 1,000 sit-ups in the presence of Sathish, Ganesan, and 'Nattamai' Manikandan, during which they were beaten with lathis. At around 11 p.m., they were released on personal bail secured by their relatives Prabu and Potharaj, on the condition that they appear again the next day at 10.00 a.m.

3.2. On the following day, when they appeared at the police station, the Inspector allegedly instructed a Special Sub-Inspector to register a case against them for conspiracy to commit dacoity. Consequently, Crime No.297 of 2015 was registered under Section 399 of the Indian Penal Code (IPC). They were arrested, remanded to judicial custody, and allegedly subjected to further assault.



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3.3. The first respondent entered appearance and denied all allegations, claiming knowledge of Crime No.297 of 2015 only on 08.09.2015. The second respondent, in his counter, stated that he registered the said case against the complainants as Officer-in-Charge of the police station. The complainants examined themselves as PW1 to PW3 and produced seven documents marked as Exhibits P1 to P7. The respondents examined themselves as RW1 and RW2 and filed proof affidavits. After evaluating the evidence on record, the SHRC concluded that respondents 1 and 2 had violated the human rights of the complainants and accordingly passed the impugned order.

4. Mr. P.G. Santhosh Kumar, learned counsel for the writ petitioners in all the captioned writ petitions, submitted that there is no substantial or corroborative evidence to establish that the complainants were illegally detained, assaulted, harassed, or tortured so as to constitute a violation of their human rights. Therefore, in the absence of credible supporting evidence, the impugned common order passed by the SHRC is not legally sustainable.



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5. Mr. K. Ashwin Kumar, appearing via video conferencing for the third respondent/complainant, submitted that the oral and documentary evidence clearly established that the petitioners had violated the human rights of the complainants. He contended that in the absence of any perversity or arbitrariness in the SHRC's findings, the impugned common order does not warrant interference.

6. Mr. K. Suresh, learned Government Advocate appearing for the first respondent, and Ms. K. Gomathi, representing Ms. S. Sumathy, learned Standing Counsel on record for the second respondent/SHRC, adopted the submissions of the learned counsel for the third respondent and sought dismissal of the writ petitions.

7. The arguments of the learned counsel for the respective parties and the materials placed on record have been duly considered.

8. The offence punishable under Section 399 IPC carries a term of rigorous imprisonment which may extend up to 10 years. As such, the mandate



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under Section 41A of the Criminal Procedure Code does not apply. The allegation that the complainants were falsely implicated cannot be accepted, as the second respondent, after due investigation, submitted a charge sheet for the said offences against the complainants, and there is no declaration to that effect by the jurisdictional court..

9. The complainants alleged that they were forcibly taken to the police station by respondents 1 and 2 under the guise of an enquiry, and that they were subjected to harassment and abuse in the presence of villagers. However, none of the alleged eyewitnesses—villagers or relatives who secured their release—were examined to corroborate the allegations. Furthermore, no medical evidence was produced to establish that the complainants sustained any injuries as a result of the alleged assault.

10. In cross-examination, PW2 stated that the complainants did not inform the Magistrate of the alleged assault and harassment due to fear and threats from the second respondent. However, no observation to that effect was recorded by the Judicial Magistrate at the time of remand, nor was there any



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finding that the arrest was in violation of the guidelines laid down by the Hon'ble Supreme Court in D.K. Basu v. State of West Bengal.

11. The SHRC, in its order, concluded that the complainants were framed without any credible evidence or witnesses, and that the conduct of the respondents was condemnable. However, this conclusion lacks merit. The second respondent, after conducting a lawful investigation, submitted a charge sheet demonstrating a prima facie case against the complainants. The complainants' allegations that the first respondent forced them to accept statements regarding a private dispute with certain individuals remain unsubstantiated by any credible evidence.

12. It is not required, at the stage of investigation, for the police to produce charge sheet witnesses to establish the credibility of information leading to the registration of the offence. Requiring such disclosure could adversely affect the pending trial.

13. Additionally, there is no evidence to show that the first respondent, while working as Deputy Superintendent of Police, instructed the second



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respondent to take the complainants to the police station or to assault or harass them. Except for general allegations, there is no material to establish that the first respondent violated the complainants' human rights.

14. In light of the foregoing discussion, we have no hesitation in holding that in the absence of any substantive material to support the allegations that the complainants were abused, assaulted, tortured, or illegally detained or arrested in violation of law, the impugned order passed by the SHRC is unsustainable in law and without justification.

15. Accordingly, the common order dated 13.04.2022 passed by the SHRC in SHRC Case Nos. 9178, 9719, and 9180 of 2015 is set aside. The writ petitions are allowed. Consequently, the connected miscellaneous petitions are closed. There shall be no order as to costs.

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

11.08.2025

Index : Yes
Internet : Yes
Neutral Citation : Yes
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