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WP Nos. 18436, 16033 and 17749 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : **08-07-2025**

Delivered on : **22-07-2025**

CORAM

THE HONOURABLE MR JUSTICE M. SUNDAR

AND

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP Nos. 18436, 16033 and 17749 of 2018

AND

WMP.Nos. 21898, 19051 and 21010 of 2018

W.P.No. 18436 of 2018

K.Rajendran

..Petitioner

Vs

1.State of Tamil Nadu

Rep. By its Principal Secretary to Government,

Home Department,

Secretariat, Fort. St. George,

Chennai-600009.

2.The Registrar,

State Human Rights Commission-Tamil Nadu,

No. 143, P.S.Kumarasamy Raja Salai,

Greenways Road, Chennai-600028.

3.R.Saravana Kumar,



WP Nos. 18436, 16033 and 17749 of 2018

4.H.Ramesh Babu

5.N.Nirmala Rani

..Respondents

W.P.No.16033 of 2018

H.Ramesh Babu

..Petitioner

Vs

1.R.Saravanakumar

2.The State Human Rights Commission-Tamil Nadu,

No. 143, P.S.Kumarasamy Raja Salai,

Greenways Road, Chennai-600028.

3.N.Nirmala Rani

4.K.Rajendran

5.The State of Tamil Nadu

Rep. By the Secretary,

Home Department, Prohibition and Excise,

Fort St.George,

Chennai.

(R5 was impleaded as per

the order of this Court)

..Respondents

W.P.No.17749 of 2018

N. Nirmala Rani

..Petitioner

Vs

1.State of Tamil Nadu

Rep. By its Principal Secretary to Government,

Home Department, Secretariat, Fort. St. George,

Chennai-600009.



WP Nos. 18436, 16033 and 17749 of 2018

2.The Registrar,
State Human Rights Commission-Tamil Nadu,
No. 143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai-600028.
3.R.Saravana Kumar,
4.H.Ramesh Babu.
5.K.Rajendran

..Respondents

These writ petition are filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records pertaining to orders passed by the 2nd respondent in SHRC Case No. 881 of 2014, dated 20.04.2018 and quash the same against the petitioners and pass such further or other orders.

For Petitioners : Mr.Vinoth (in W.P.No.18436 of 2018)
Mr.S.M.Muralidharan (in W.P.No.16033 of 2018)
Mr.A.John Britto (in W.P.No. 17749 of 2018)

For Respondents : Mr.T.K.Saravanan, AGP

(For R1 & R2 in W.P.No. 17749 of 2018 and
W.P. No. 18436 of 2018 and for R2 & R5 in
W.P. No. 16033 of 2018

Mr.Vinoth

(For R5 in W.P. No. 17749 of 2018 and R4 in
W.P.No. 16033 of 2018)

Mr.S.M.Muralidharan

(For R4 in W.P.No. 18436 of 2018 and
W.P.No.17749 of 2018



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WP Nos. 18436, 16033 and 17749 of 2018

No Appearance for R3 in W.P.No. 18436 of
2018 and W.P.No.17749 of 2018 and for
R1 in W.P.No.16033 of 2018

COMMON ORDER

HEMANT CHANDANGOUDAR, J.

These three captioned writ petitions have been filed seeking the issuance of a writ of certiorari to set aside the impugned order dated 20th April 2018, passed by the State Human Rights Commission, Tamil Nadu in SHRC Case No. 881 of 2014. The order directed the Government of Tamil Nadu to pay a sum of Rs. 3 lakhs as compensation to the complainant, R. Saravanakumar, S/o Ramalingam, while preserving the Government's right to recover a sum of Rs. 1 lakh from each of the petitioners herein. The Commission also recommended that disciplinary action be initiated against the petitioners as per the applicable rules. Therefore, all three captioned writ petitions are being taken up together, heard, and disposed of by a common order.

2. The parties are referred to by their respective rankings before the Respondent–State Human Rights Commission (hereinafter referred to as “SHRC”) for the sake of convenience and clarity.

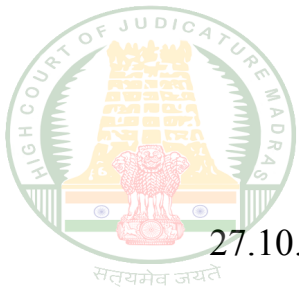


WP Nos. 18436, 16033 and 17749 of 2018

Factual background

3.1 The complainant filed a complaint before the SHRC stating that, on 27.08.2013, he had lodged a complaint with the Commissioner of Police, Greater Chennai, against one Ramakrishnan and his friend Adam Basha, alleging that they had cheated him of a sum of Rs. 25 lakhs under the guise of an agreement to sell 40 acres of land in Thaiyur Village, based on forged documents. The complaint was forwarded to the Deputy Commissioner of Police, who in turn forwarded it to the Superintendent of Police, Kancheepuram District. The Superintendent then forwarded the complaint to the Deputy Superintendent of Police, Anti-Land Grabbing Cell, Kancheepuram. The Deputy Superintendent of Police, Dharmalingam, conducted an enquiry into the complaint.

3.2 In response to the enquiry, Adam Basha and Ramakrishnan filed a counter-complaint against the complainant before the 1st respondent (the Commission), alleging that the complainant had cheated them and received a sum of Rs. 25 lakhs. Based on this counter-complaint, the 3rd respondent issued a summons to the complainant to appear for an enquiry on



WP Nos. 18436, 16033 and 17749 of 2018

27.10.2013. The complainant appeared before the 3rd respondent and stated that he had never cheated or borrowed any amount from them. After recording his statement, he was allowed to leave.

3.3. On 05.12.2013 at about 7:00 a.m., the 2nd and 3rd respondents before the SHRC trespassed into the house of the complainant, threatened the complainant and his son, forcibly took them in a TATA Sumo vehicle, and snatched the keys to their vehicles. While they were proceeding near Porur, the Porur Police intercepted them. The 3rd respondent informed the police that they were taking the complainant and his son for an enquiry, and therefore, they were allowed to proceed further. Thereafter, they took the complainant and his son to the office of the Superintendent of Police, where the said Ramakrishnan was present.

3.4. Respondents 2 and 3 before the SHRC threatened the complainant to hand over the documents that had been given to him by Ramakrishnan. Consequently, the complainant's brother-in-law retrieved the documents from his house and handed them over to Ramakrishnan. The complainant



WP Nos. 18436, 16033 and 17749 of 2018

and his son were detained overnight, and on 06.10.2013 at about 10:00 a.m.,

the vehicles parked in front of the complainant's house were taken away by

the 3rd respondent. He then approached the complainant's financier,

obtained the T.O. (Transfer of Ownership) form, and gave a cheque for Rs.

2,62,000/- (Rupees Two Lakhs Sixty-Two Thousand Only) to the financier.

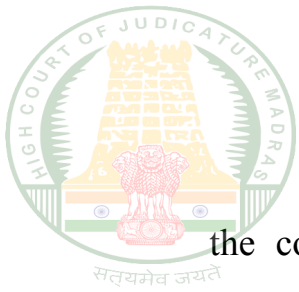
He instructed the financier to hand over the vehicle records to

Ramakrishnan and obtained an undertaking. Thereafter, the complainant's

son was taken back to the Kancheepuram office.

3.5. In the presence of the 1st respondent, the 2nd and 3rd respondents handed over the said three vehicles to Ramakrishnan under threat. For the balance amount, they obtained blank cheques from the complainant, along with his signatures on blank papers and stamp papers. Therefore, Respondents 2 and 3 before the SHRC violated the human rights of the complainant.

3.6. The petitioners, who were Respondents 1 to 3 before the SHRC, entered appearance and denied all the allegations. According to them, on 18.10.2013, one Adam Basha lodged a complaint with the Superintendent of Police against the complainant, his wife, his son Mohan, and one Balan. In



WP Nos. 18436, 16033 and 17749 of 2018

the complaint, it was alleged that in April 2013, the complainant had approached Adam Basha and Ramakrishnan regarding the purchase of 40 acres of land owned by Ramakrishnan, at the rate of six crores per acre.

3.7 The complainant allegedly persuaded Ramakrishnan to execute a sale agreement on a Rs.500/- stamp paper for the sale of 7.5 acres of land in Thaiyur Village, without making any payment. Ramakrishnan is said to have paid a sum of Rs. 25 lakhs to the complainant through Adam Basha as a broker's commission. Thereafter, the complainant allegedly disappeared without taking any steps to purchase the land.

3.8 Subsequently, Ramakrishnan and Adam Basha approached the Superintendent of Police, Kancheepuram, and lodged a complaint. The complaint was forwarded to the 1st respondent, who in turn forwarded it to the 2nd respondent before the SHRC for enquiry.

3.9 On 27.10.2013, the 2nd respondent summoned the complainant, but he did not appear. Therefore, another summons was issued on 05.12.2013.



WP Nos. 18436, 16033 and 17749 of 2018

On that day, the complainant and his son appeared, and during the enquiry,

the complainant admitted to having received Rs. 25 lakhs from Ramakrishnan. He returned the agreement dated 06.12.2013 and also repaid a sum of Rs. 6,60,000/- (Rupees Six Lakhs Sixty Thousand Only) in cash.

3.10 The parties settled the dispute amicably, and both the complainant and his son gave written statements during the enquiry conducted on 05.12.2013 and 06.12.2013. Sakthivel, who had signed the said agreement, also signed as a witness. Since the matter was settled, the complaint dated 18.10.2013 was closed on 06.12.2013.

3.11. To prove his case, the complainant examined himself as PW1, his son Mohanraj as PW2, and his brother-in-law Sakthivel as PW3. He also produced documents marked as Exhibits P1 to P9. On behalf of Respondents 1 to 3 before the SHRC, the 1st respondent/petitioner in W.P.No. 16033 of 2018 was examined as RW1, the 3rd respondent in W.P.No. 16033 of 2018 (2nd respondent before the SHRC) was examined as RW2, and the 4th respondent in W.P.No.16033 of 2018 (3rd respondent



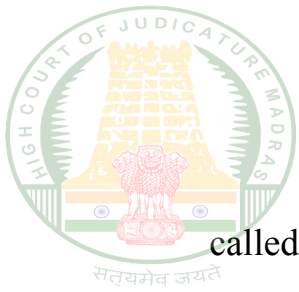
WP Nos. 18436, 16033 and 17749 of 2018

before the SHRC) was examined as RW3. They produced documents marked as Exhibits R1 to R13.

3.12. After considering both oral and documentary evidence, the SHRC recorded a finding that the respondents therein had violated the human rights of the complainant and accordingly passed the impugned order.

4. The complainant, who is arrayed as the 1st respondent in W.P. No. 16033 of 2018, the 3rd respondent in W.P. No. 17749 of 2018, and also the 3rd respondent in W.P. No. 18436 of 2018, was served with notice in W.P. No. 16033 of 2018 and is represented by his counsel M/s. K. Kannan, R. Ravichandran, and Karthika. However, the notices issued in the other two writ petitions are shown as awaited. Since notice has already been served on the complainant in W.P. No. 16033 of 2018 and he is represented by counsel, the service of notice in the other two writ petitions is dispensed with.

5. The learned counsel for the complainant, or their counsels in W.P. No. 16033 of 2018, did not appear before this Court when the matter was



WP Nos. 18436, 16033 and 17749 of 2018

called. Therefore, after recording the submissions of the learned counsel for the petitioners, the SHRC, and the State Government, the matter is taken up for final disposal.

6. Mr. S.M. Muralidharan, learned counsel for the petitioner in W.P. No. 16033 of 2018 / 1st respondent before the SHRC, submitted that the complainant and his son were summoned for an enquiry based on a complaint filed by Adam Basha and Ramakrishnan. The allegations made in the complaint disclosed the commission of a cognizable offence, thereby justifying the conduct of a preliminary enquiry. He submitted that conducting such a preliminary enquiry is in conformity with the directions issued by the Hon'ble Supreme Court in Lalita Kumari vs. State of Uttar Pradesh.

7. He further submitted that the complainant and his son had amicably resolved the dispute with Adam Basha and Ramakrishnan, and as part of the settlement, a sum of Rs. 6,60,000/- was paid to them. There is no substantial evidence to establish that the amount was paid under coercion or undue influence.



WP Nos. 18436, 16033 and 17749 of 2018

8. The petitioner / 1st respondent before the SHRC had merely forwarded the complaint to the Sub-Inspector of Police, Ms. N. Nirmala Rani, and was not involved in either summoning the complainant and his son or conducting the preliminary enquiry. The 4th respondent herein / 3rd respondent before the SHRC had only summoned the complainant and his son on the instructions of his superior officer, i.e., the 3rd respondent—Sub-Inspector of Police. Therefore, the summoning and conduct of the preliminary enquiry were strictly in accordance with the provisions of the Cr.P.C. and the directions issued by the Hon'ble Supreme Court in the Lalita Kumari case.

9. Mr. T.K. Saravanan, learned Additional Government Pleader appearing for the SHRC and the State, submitted that the summoning and conduct of the preliminary enquiry based on the complaint filed by Adam Basha and Ramakrishnan were in violation of the provisions of the Code of Criminal Procedure (Cr.P.C.) as well as the guidelines laid down by the Hon'ble Supreme Court in Lalita Kumari v. State of Uttar Pradesh.



WP Nos. 18436, 16033 and 17749 of 2018

10. He contended that the respondents before the SHRC, who are the petitioners in these writ petitions, acted in a high-handed and arbitrary manner at the instigation of Adam Basha and Ramakrishnan, thereby violating the human rights of the complainant.

11. Therefore, the impugned order passed by the SHRC, after thoroughly considering both oral and documentary evidence, is justified and does not warrant interference. Accordingly, he sought dismissal of the writ petitions.

12. The arguments of the learned counsel for the parties, as well as the oral and documentary evidence produced before the Commission are duly considered.

13. The alleged agreement of sale executed by the complainant in favour of Ramakrishnan formed the basis of the complaint filed by Adam Basha. In his complaint, Adam Basha stated that the complainant before the SHRC had agreed to part with 7.5 acres of land, and that Ramakrishnan had



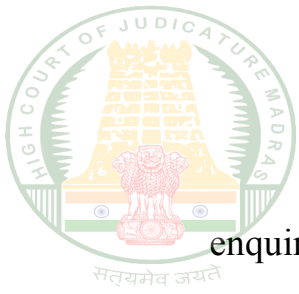
WP Nos. 18436, 16033 and 17749 of 2018

paid a sum of Rs. 25 lakhs to the complainant. However, the complainant allegedly neither proceeded with the sale nor returned the sum of Rs. 25 lakhs received as advance sale consideration.

14. The complaint was submitted to the Superintendent of Police, who in turn forwarded it to the petitioner in W.P.No.16033 of 2018 (1st respondent before the SHRC), then serving as Deputy Superintendent of Police. He, in turn, forwarded the complaint to the 2nd respondent before the SHRC for enquiry.

15. Prior to the lodging of the complaint by Adam Basha, the complainant had filed a complaint dated 28.08.2013 (Ex.P1) with the Commissioner of Police, Chennai, which was forwarded to the Deputy Commissioner of Police (Ex.P2). A copy of the said complaint was also marked on 31.08.2013 (Ex.P3).

16. The respondents/police personnel before the SHRC admitted that the complainant and his son were summoned to the police station for

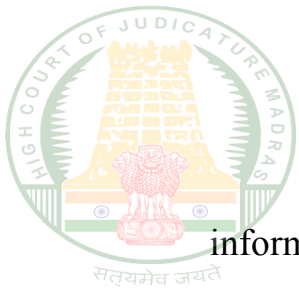


WP Nos. 18436, 16033 and 17749 of 2018

enquiry. In cross-examination, RW1 categorically admitted that he did not peruse Ex.R3—the complaint made against the complainant. A perusal of Ex.R3, the complaint filed by Adam Basha, reveals that he was only a witness to the alleged agreement of sale executed by the complainant in favour of Ramakrishnan. The core allegation of the complaint was the non-refund of Rs. 25 lakhs, purportedly paid as advance sale consideration. Thus, the dispute between the parties essentially pertains to an alleged breach of the terms of a sale agreement.

17. Although the dispute is civil in nature, this does not preclude the police from conducting a preliminary enquiry if the complaint discloses the commission of a cognizable offence. In cases arising out of commercial transactions, the police are duty-bound to conduct a preliminary enquiry, as held by the Hon'ble Supreme Court in *Lalita Kumari v. State of Uttar Pradesh* [(2013) 6 CTC 353].

18. In *Lalita Kumari*, the Apex Court ruled that the purpose of a preliminary enquiry in commercial offences is to ascertain whether the



WP Nos. 18436, 16033 and 17749 of 2018

information reveals the commission of a cognizable offence. It was further held that while protecting the rights of both the accused and the complainant, such preliminary enquiry must be conducted within a time-bound framework, and in any case, should not exceed seven days. Any delay must be reflected in the general diary entry. The Court also mandated that all information relating to cognizable offences—whether resulting in registration of an FIR or in a preliminary enquiry—must be recorded in the general diary/station diary/daily diary, and the decision to conduct such an enquiry must be reflected therein.

19. In the present case, the 2nd respondent before the SHRC, who was the officer-in-charge of the jurisdictional police station, failed to record the information received prior to conducting the preliminary enquiry, in violation of the procedural safeguards laid down in Lalita Kumari.

20. Ex.P6 is a document produced by the complainant, allegedly executed in favour of Ramakrishnan. In the said document, it is stated that the complainant had borrowed a sum of Rs. 10 lakhs on 01.06.2013 and Rs.

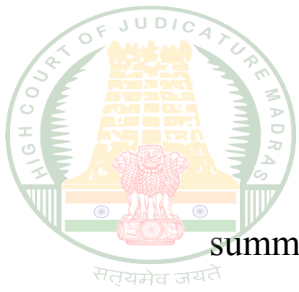


WP Nos. 18436, 16033 and 17749 of 2018

15 lakhs on 04.06.2013, amounting in total to Rs. 25 lakhs, by way of cash from Ramakrishnan. It is further stated that, on 06.12.2013, the complainant handed over his cars and motorcycle valued at Rs. 6,60,000/-, and for the balance amount of Rs. 18,40,000/-, his son issued two cheques in favour of Ramakrishnan and executed six documents.

21. PW1 to PW3 categorically stated in their evidence that the 2nd respondent had compelled the complainant to execute the said documents and threatened him to hand over the money and documents. In cross-examination, nothing was elicited from PW1 to PW3 to discredit or disbelieve their testimony.

22. RW2 and RW3, who are the 2nd and 3rd respondents before the SHRC, stated in their evidence that they had merely gone to the complainant's house to serve summons requiring him to appear for an enquiry. They denied the allegation that the complainant and his son were forcibly taken from their house. However, RW2 and RW3 did not produce any documentary evidence to show that the complainant and his son were



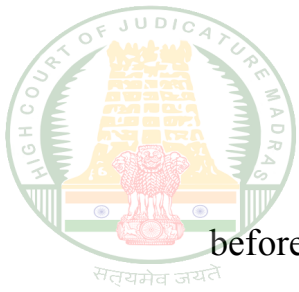
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summoned in accordance with Section 160 of the Code of Criminal Procedure, 1973, or under any other statutory provision.

23. In the absence of such documentation, it is implied that the complainant and his son were forcibly brought to the police station under the guise of conducting a preliminary enquiry, and were made to execute documents in favour of Ramakrishnan.

24. The allegation in the complaint filed by Adam Basha was that the complainant had cheated Ramakrishnan. However, Ramakrishnan himself did not file any complaint. It was Adam Basha—merely a witness to the alleged agreement of sale—who lodged the complaint. Therefore, the dispute appears to be purely civil in nature, arising from an alleged breach of the agreement of sale.

25. The complaint by Adam Basha was filed on 18.10.2013, and the complainant and his son were summoned for enquiry on 05.12.2013 and 06.12.2013. The guidelines laid down by the Hon'ble Supreme Court in Lalita Kumari case were issued on 12.11.2013. As such, the 2nd respondent



WP Nos. 18436, 16033 and 17749 of 2018

before the SHRC was under a legal obligation to record the information received in the station house diary upon receiving the complaint from Adam Basha.

26. However, no such entry was made in the daily diary, indicating non-compliance with the procedural requirements mandated by the Apex Court in the Lalita Kumari case.

27. The preliminary enquiry was conducted by the 2nd respondent before the SHRC, and the complainant and his son were summoned to the police station by the 3rd respondent before the SHRC, who was a subordinate to the 2nd respondent and acted on his instructions. The execution of documents by the complainant and his son, under the guise of a preliminary enquiry, was also carried out at the behest of the 2nd respondent.

28. The only allegation against the 1st respondent, Deputy Superintendent of Police, is that he forwarded the complaint to the 2nd



WP Nos. 18436, 16033 and 17749 of 2018

respondent without perusing it. However, that by itself would not constitute a violation of human rights, particularly in the absence of any specific allegation or evidence attributing to him a role in the arbitrary summoning or unlawful conduct of a preliminary enquiry,, and forwarding of the complaint to R-2 was arbitrary . Furthermore, the 2nd respondent is the officer in charge of the police station and is empowered to conduct a preliminary enquiry and, if warranted, register the FIR.

29. Therefore, the finding recorded by the SHRC that the 1st respondent had violated the human rights of the complainant and his son is not legally sustainable. Moreover, the direction to recover a sum of Rs. 1,00,000/- from the 3rd respondent before the SHRC is excessive, as he merely acted on the instructions of the 2nd respondent, his superior officer. Accordingly, the compensation amount awarded to the complainant, insofar as it relates to recovery from the 3rd respondent, warrants reduction.

30. It is brought to the notice of this Court that the petitioner in W.P. No. 16033 of 2018 (1st respondent before the SHRC) retired from service



WP Nos. 18436, 16033 and 17749 of 2018

on 31.08.2024. Similarly, the petitioner in W.P. No. 17749 of 2018 (2nd respondent before the SHRC) and the petitioner in W.P. No. 18436 of 2018 (3rd respondent before the SHRC) retired from service on 31.05.2016 and 31.10.2016 respectively. In view of their retirement, the recommendation made by the SHRC to initiate disciplinary action against them may no longer be appropriate at this stage.

31. In light of the foregoing discussion, we are of the considered view that the 2nd and 3rd respondents before the SHRC have violated the human rights of the complainant. However, there is no substantial evidence to establish that the 1st respondent before the SHRC committed any such violation. Accordingly, the following order is passed:

- i. W.P. No. 16033 of 2018 is allowed, and the impugned order, insofar as it relates to the petitioner therein(Respondent No.1) is set aside.
- ii. W.P. Nos. 17749 of 2018 and 18436 of 2018 are partly allowed. The impugned order is modified as follows:
 - The Government of Tamil Nadu shall pay compensation of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand only) to the complainant, Thiru R. Saravanakumar, S/o. Ramalingam, residing



WEB COPY



WP Nos. 18436, 16033 and 17749 of 2018

at No. 6, Plot No. 7, Sastha Nagar 2nd Street, Valasaravakkam, Chennai-600116, within two months from the date of uploading of this order.

- The Government of Tamil Nadu is permitted to recover Rs. 1,00,000/- (Rupees One Lakh only) from the petitioner in W.P. No. 17749 of 2018 (2nd respondent before the SHRC), and Rs. 50,000/- (Rupees Fifty Thousand only) from the petitioner in W.P. No. 18436 of 2018 (3rd respondent before the SHRC).
- Clause 2 of the impugned order, by which the Commission recommended initiation of disciplinary action against the petitioners (2nd and 3rd respondents before the SHRC), is hereby set aside.

iii. Consequently, the connected miscellaneous petitions are closed.

There shall be no order as to costs.

[M.S.,J.]

[H.C., J]

22 .07.2025

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