



WEB COPY

W.P.No.28635 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.P.No.28635 of 2019

and WMP.No.28398 of 2019

Mr.J.George Miller Ponraj,
S/o.P.Jeyaraj
presently working as
Inspector of Police (L&O),
P-3, Vyasarpadi Police Station,
Chennai-600039
Formerly worked as
Inspector of Police,
T-1, Ambattur Police Station,
Chennai-600059

...Petitioner

Vs.

1.Government of Tamilnadu,
Rep. By its Principal Secretary Home,
Prohibition and Excise Department,
Secretariat, Chennai-600 009

2.Tamilnadu State Human Rights Commission,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai-600 028

3.M.Velan

... Respondents



W.P.No.28635 of 2019

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records of the second respondent in order dated 11.02.2019 passed in SHRC No.9493 of 2013 and quash the same in respect of the petitioner alone.

For Petitioner : Mr.K.Madhan for
Mr.Chinnadurai

For Respondents : Mr.G.Ameedius
Government Advocate for R1

Mr.A.Vijayakumar for R3

R2- No appearance

ORDER

(Order of the Court was made by M.S.RAMESH.J.)

This Writ Petition has been filed to issue a Writ of Certiorari, to call for the records of the second respondent pertaining to the proceedings dated 11.02.2019 passed in SHRC No.9493 of 2013, and quash the same insofar as it relates to the petitioner alone.

2. The gist of the complaint dated 13.02.2013 filed before the State Human Rights Commission (SHRC) is that it pertains to a civil dispute between the third respondent and one J.Shantha. As per the said complaint, the third respondent was forcefully taken to the Ambattur



W.P.No.28635 of 2019

Police Station, where he was assaulted, and his shirt was torn. It was therefore, alleged that his human rights had been violated.

3. Before the SHRC, the third respondent and his wife examined themselves as P.W.1 and P.W.2. The SHRC, predominantly, had referred to the delay on the part of the petitioner in registering the complaint and has found certain discrepancies in the conduct of the investigation. By placing reliance on the decision of the Hon'ble Supreme Court in ***Lalita Kumari's case***, the SHRC held that the petitioner had failed to perform his duty in accordance with law and had also violated the procedures laid down in the said decision and accordingly, came to the conclusion that the petitioner had violated the human rights of complainant.

4. We fail to understand as to how the discrepancies in the performance of the duties of a police official can be termed to be a violation of human rights, as recorded by the SHRC. At the most, what can be inferred from such alleged irregular conduct of duties would be a dereliction of the duties alone and will not amount to violation of human rights.



W.P.No.28635 of 2019

5. Before the SHRC, P.W.1 and P.W.2 had reiterated the averments made in their complaint with regard to the alleged assault by the petitioner herein. Though the SHRC had extracted the depositions of P.W.1 and P.W.2, there was no findings rendered touching upon such depositions with regard to the alleged assault. On the other hand, the dereliction of duty on the part of the petitioner has alone been projected to be as violation of human rights.

6. In this background, we are unable to approve the recommendations made by the SHRC, directing payment of compensation to the complainant and recovery of the same from the petitioner herein, as well as the recommendation for initiating disciplinary action against him.

7. In the result, the impugned order passed in SHRC No.9493 of 2013 dated 11.02.2019 is set aside. Accordingly, the Writ Petition stands allowed. No Costs. Consequently, connected miscellaneous petition is closed.

[M.S.R., J] [R.S.V., J]

29.10.2025



W.P.No.28635 of 2019

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Anu

To

1.The Government of Tamilnadu,
Rep. By its Principal Secretary Home,
Prohibition and Excise Department,
Secretariat, Chennai-600 009

2.Tamilnadu State Human Rights Commission,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai-600 028

M.S.RAMESH, J.
and
R.SAKTHIVEL, J.

Anu



WEB COPY



W.P.No.28635 of 2019

W.P.No.28635 of 2019
and WMP.No.28398 of 2019

29.10.2025