



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2025

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**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**WP No. 27474 of 2025
and WMP.No.30830 of 2025**

N.Sambantham

Petitioner

Vs

- 1.The Registrar,
State Human Rights Commission,
Tamilnadu, No.143, Greenway Road,
Chennai.
- 2.The Director General of Police,
Head of Police Force,
Dr.Radhakrishnan Road,
Mylapore, Chennai.
- 3.The Commissioner of Police,
Vepery, Chennai.

4.Sarthar Ali

Respondent(s)

PRAYER : Writ petition filed under Article 226 of Constitution of India to issue Writ of Certiorarified Mandamus, calling for the order dated 02.06.2025 in SHRC Case No.7787 of 2020 passed by the 1st respondent and quash the same, consequently direct the 2nd and 3rd respondents not to take any action to attach the petitioner's salary till the disposal of the criminal case in C.C.No.189 of 2020, pending before the Judicial Magistrate No.2, Pollachi.



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For Petitioner(s): Mr.T.Nixon

For Responder(s): Mr.M.Rajendran,
Additional Government Pleader for R1

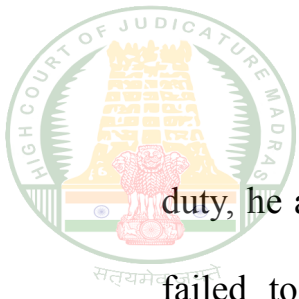
Mr.Babu Muthumeeran,
Assistant Public Prosecutor for R2 & R3

ORDER

(Order of the Court was made by J.Nisha Banu J.)

This writ petition has been filed challenging the impugned order of the 1st respondent in SHRC Case No.7787 of 2020, quash the same and consequently direct the respondents 2 and 3 not to take any action to attach the petitioner's salary till the disposal of the criminal case in C.C.No.189 of 2020, pending before the Judicial Magistrate No.2, Pollachi.

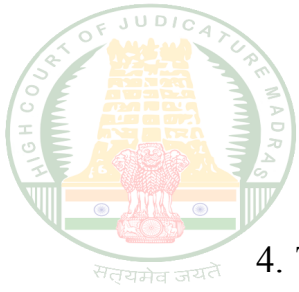
2. The case of the petitioner is that the 1st respondent received a complaint from the 4th respondent on 07.09.2020 stating that the 4th respondent was working in a Jewellery Shop called Hayas Jewellery at Oppanakkara Street and earning Rs.15,000/- per month. On 04.11.2019, the 4th respondent borrowed a Yamaha Bike model R-15, bearing Reg.No.TN 99 L 7024 from his friend one Gunasekaran and they were travelling with 2 other friends namely Sanwar and Afaal on the same bike to see the beauty of Thenkaiparai River near Kottur in Pollachi Taluk. The bike was driven by his friend Sanwar, who is a minor. On the same day, when the petitioner was on



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duty, he asked them to stop the vehicle, but the 4th respondent and his friends failed to oblige and started to ply the vehicle harshly. Immediately the petitioner gave a severe blow on the back of the 4th respondent and due to pain from his back, their vehicle oscillated and became uncontrolled and due to the same, the 4th respondent's friend dashed the bike against a Minidoor Van, which was stationed on the left side of the road, as a result the 4th respondent and his friends fell down and suffered injury. Hence, the 4th respondent filed a complaint before the 1st respondent seeking compensation from the petitioner.

3. In pursuant to the said complaint, the 1st respondent numbered the case as SHRC Case No.7787 of 2020. As there was a delay in further proceedings, the 4th respondent filed a writ petition in W.P.No.23292 of 2021 before this Court seeking to dispose of the said case, in which, this Court passed an order directing the 1st respondent to dispose of the representation of the petitioner, within a period of three weeks from the date of decision taken. For the very same offence, police also registered a case in Crime No.244 of 2019 under Section 336 IPC and the said case is pending as C.C.No.189 of 2020 before the Judicial Magistrate No.2, Pollachi. In the departmental proceedings, the petitioner was initially suspended on 05.11.2019 and later his suspension order was revoked on 19.05.2020.



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4. The 1st respondent, after perusing the 4th respondent's complaint and the reply statement, passed an interim order dated 17.02.2022 in SHRC Case No.7787 of 2020, recommending to the Additional Chief Secretary to Government, Home, Prohibition and Excise Department to pay an interim relief of Rs.50,000/- to the complainant. In pursuant to the said interim order, the 3rd respondent passed an order to recover the compensation amount from the petitioner vide proceedings dated 04.02.2023, which was put to challenge in W.P.No.7498/2023, wherein the Division Bench of this Court has granted interim stay on 14.03.2023.

5. According to the petitioner, in the meanwhile, at the instance of the 4th respondent, the SHRC case was transferred to Coimbatore by the 1st respondent and with no other alternative he appeared before the Tribunal at Coimbatore and completed the trial. After completion of trial, the 1st respondent passed final order dated 02.06.2025 recommending the Government of Tamil Nadu to pay a compensation of Rs.3,00,000/- to the 4th respondent. Being aggrieved by the same, the petitioner is before this Court with the present writ petition.



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6. The learned counsel appearing for the appellant would contend that the 1st respondent while passing the impugned order has failed to consider that the vehicle has no insurance and the person who drove the bike is a minor without any licence and the medical report submitted by the 4th respondent itself is a proof that there is no injury or mark found on the back side of the 4th respondent and no medical treatment was taken for back injury and it is an exaggerated version of the 4th respondent and therefore, prays for interference.

7. Heard the learned Additional Government Pleader appearing for the 1st respondent, learned Assistant Public Prosecutor appearing for the respondents 2 and 3 and also perused the materials available on record.

8. A perusal of the impugned order of the 1st respondent would disclose that the 1st respondent / State Human Rights Commission, based on oral and documentary evidence, came to a conclusion that the petitioner had acted in a negligent manner in the occurrence. If at all the complainant and his friends have committed any traffic violation, they have to be dealt with in a dignified manner and if they did not stop the vehicle during vehicle check up, it is always open to the police officer concerned to note down the registration number of the vehicle and take further action in the manner known to law. In the case on hand, it is the categorical report of the complainant / 4th respondent that he was



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beaten by the respondent by lathi on his back. It is also an admitted fact that for the alleged negligent act, based on the report of the Superintendent of Police, Coimbatore District, the petitioner was suspended by the Deputy Inspector General of Police, Coimbatore Region, Coimbatore, vide order dated 05.11.2019 and the said report has been enclosed in the typed set of papers and also considered by the first respondent Commission. Though the complainant / 4th respondent claimed Rs.25,00,000/- as compensation, he did not submit any medical bills for such expenses before the 1st respondent Commission. The 1st respondent/Commission, taking into consideration of the fact that already criminal as well as departmental proceedings are initiated as against the petitioner and further the complainant / 4th respondent is a young man, sustained grievous injury and could not walk without the help of walking stick and he is struggling to get any job to run his life with this disability, therefore recommended Rs.3,00,000/- as fair and reasonable compensation to meet the ends of justice. This Court is of the view that the first respondent / Commission has considered all the aspects in proper perspective and rendered a well considered order, which does not warrant any interference. This Writ Petition lacks merit and is liable to be dismissed.



9. In the result, this Writ Petition stands dismissed. If at all the petitioner is aggrieved, it is always open to him to approach the Civil Court in the manner known to law. No costs. Consequently, connected miscellaneous petition is also dismissed.

(J.NISHA BANU J.)(M.JOTHIRAMAN J.)
28-07-2025

Index: Yes/No

Internet: Yes

Neutral Citation: Yes/No

MST

To

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**J.NISHA BANU, J.
AND
M.JOHIRAMAN, J.**

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