



WP No. 27309 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : **03-07-2025**

Delivered on : **16-07-2025**

CORAM

THE HONOURABLE MR JUSTICE M. SUNDAR

AND

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 27309 of 2019

AND

WMP.Nos. 26733 of 2019 and 9071 of 2024

P.Dillibabu

..Petitioner

Vs

1. The Principal Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Chennai-600009.

2.The Special Secretary to Government,
Public (HR) Department,
Secretariat, Chennai-600009.

3.The State Human Rights Commission,
Tamil Nadu, 'Thiruvarangam',
No. 143, P.S.Kumarasamy Raja Salai,
(Greenways Road), Chennai-600028.



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4.Govardhanadu

5.Asha

6.Premavathi

7.Ravi

Sub Inspector of Police,

O/o.ADGP (Vigilance)

TANGEDCO, Chennai.

..Respondents.

Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorari, call for the records pertaining to the recommendations made in SHRC case No. 2319 of 2014, dated 11.06.2019 on the file of the 3rd respondent/State Human Rights Commission and quash the same.

For Petitioner : Mr. N.Ramesh

For Respondents : Mr T.K.Saravanan, AGP – R1 & R2

Mr. P.Chinnadurai

For Mr.S.Wilson – R3

Mr.C.Ezhil Kumaran

For Mr.V.Purushothaman – R4 to R6

No Appearance - R7



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ORDER

HEMANT CHANDANGOUDAR, J.

The captioned writ petition has been filed challenging the order dated 11.06.2019 passed by the third respondent/State Human Rights Commission (hereinafter referred to as “SHRC”) in SHRC Case No.2319/2014, whereby the Government of Tamil Nadu is directed to pay a compensation amount of ? 15,000/- each to complainants 1 to 3 and recover the said amount from the petitioner, for allegedly violating the human rights of complainants 1 to 3.

2. Factual Matrix:

2.1 The first complainant (fourth respondent in the writ petition) was employed as a Senior Technician in the Southern Railways and was in possession and enjoyment of 1000 sq. ft. of land at Kumpinipet Village, Vellore District. Jayaprakash, who owned adjacent land, allegedly demolished his house, began constructing a new one, and encroached upon 100 sq. ft. of the first complainant’s land.



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2.2 On 19.03.2014, at around 11:40 a.m., the petitioner (first respondent) allegedly came to the disputed property without prior intimation and threatened the first complainant to relinquish the encroached 100 sq. ft. in favour of Jayaprakash. Consequently, the first complainant filed a civil suit in O.S. No. 25 of 2014 before the Principal District Munsif Court, Arakkonam, on 20.03.2014.

2.3 On 21.03.2014, at about 4:45 p.m., Jayaprakash, along with some antisocial elements, allegedly tried to lay the basement of a new structure on the disputed land. Complainants 1 to 3 objected to the encroachment, upon which Jayaprakash, his wife, the second respondent, and one Kavitha allegedly assaulted them. Thereafter, the petitioner arrived, assaulted the first complainant, dragged him into a police jeep, kicked him, and registered a false case against him in Crime No. 143 of 2014 for offences under Sections 294(b), 323, 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act.

2.4 The second complainant was admitted to the Government Hospital, Arakkonam, for treatment on 22.03.2014 at 4:30 a.m. The petitioner allegedly came to the hospital in an inebriated state and demanded a bribe of ₹1,00,000/-



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from her. She was discharged on 26.03.2014. The first complainant was released on bail on 27.03.2014. It was alleged that the petitioner acted at the instigation of the second respondent before SHRC who is the father-in-law of Jayaprakash.

2.5 The petitioner appeared before the SHRC and denied all allegations. He stated that while serving as Inspector of Police, Arakkonam, he was instructed by the Deputy Superintendent of Police (DSP), Arakkonam, to enquire into a boundary dispute between the first complainant and Jayaprakash, who had lodged a complaint on 25.02.2014. In pursuance of the same, the petitioner visited the spot for inspection in plain clothes, as the matter was civil in nature.

2.6 He submitted that he wrote to the Tahsildar on 06.03.2014, requesting a survey of the disputed land. The Tahsildar, via communication dated 10.03.2014, directed the surveyor to carry out the measurement. The survey was conducted on 15.03.2014 in the presence of the public and the Village Administrative Officer (VAO), and a certificate was issued on 24.03.2014. The first complainant refused to accept the survey result and



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allegedly created a scene.

2.7. The petitioner denied any incident on 19.03.2014 and instead alleged that on 15.03.2014, the first complainant had threatened him and the surveyor. On 21.03.2014, based on a complaint by Prathiba (wife of Jayaprakash), a case was registered in Crime No. 143 of 2014, and the first complainant was arrested and remanded to judicial custody. A counter case in Crime No. 144 of 2014 was registered on the basis of the second complainant's complaint. The petitioner denied any violation of human rights.

2.8 To prove their case, the complainants examined themselves as PW1 to PW3 and marked documents as Exs. P1 to P14. The petitioner and the second respondent before SHRC appeared as RW1 and RW2 respectively, and Jayaprakash was examined as RW3. Documentary evidence was marked as Exs. R1 to R19.

2.9 After analysing the evidence, the SHRC found that the arrest of the first complainant was in violation of the guidelines issued by the National Human Rights Commission and the judgment of the Hon'ble Supreme Court in D.K. Basu v. State of West Bengal. It concluded that the petitioner acted in



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excess of his official duties and thereby violated the human rights of the first complainant. This writ petition has been filed challenging the said order.

3. Submissions of the Petitioner:

3.1 Mr. N. Ramesh, learned counsel for the petitioner, submitted that the offence under Section 506(ii) IPC is punishable with death or life imprisonment or imprisonment up to seven years, and is therefore cognizable and non-bailable. Under such circumstances, the petitioner was duty-bound to arrest the first complainant and remand him to judicial custody. Hence, the arrest was made in accordance with the provisions of the Code of Criminal Procedure and in line with the D.K. Basu guidelines.

3.2 He further submitted that the petitioner, acting on the instructions of the DSP, conducted an enquiry and submitted his report. Both the case and the counter case were duly investigated, and charge sheets were filed. Therefore, the allegation that the petitioner intervened in a civil dispute to favour Jayaprakash is unfounded. The SHRC failed to consider these aspects and erroneously passed the impugned order, which is legally unsustainable.



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4. Submissions of the Respondents:

4.1 The learned counsel for the complainants argued that the petitioner, in his capacity as a police officer, misused his authority to interfere in a civil dispute and falsely implicated the first complainant, amounting to a violation of human rights. The SHRC, after due consideration of the evidence, rightly passed the impugned order, which requires no interference.

4.2 Mr. P. Chinnadurai, learned counsel representing Mr. S. Wilson, appearing for the SHRC, adopted the submissions of the complainants' counsel.

5. Discussion and Findings:

5.1 After examining the arguments advanced by the parties and perusing the oral and documentary evidence, it is evident that the petitioner was deputed to conduct an enquiry based on a petition submitted by Jayaprakash (RW3) to the DSP on 25.02.2014. It is alleged that the petitioner, acting at the behest of Jayaprakash's father-in-law, a driver in the office of the Director General of Police, interfered in a civil dispute.



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5.2 However, the fact remains that the petitioner, as a subordinate officer, acted on the instructions of the DSP. A criminal case (Crime No. 143 of 2014) was registered based on a complaint by Prathiba, under Sections 294(b), 323, and 506(ii) IPC—a cognizable and non-bailable offence. The first complainant was arrested and remanded to judicial custody in accordance with law.

5.3 A counter case (Crime No. 144 of 2014) was registered under Sections 294(b), 323, and 379 IPC. Subsequently, Section 379 IPC was dropped, and Section 506(i) IPC was inserted, which is a non-cognizable and bailable offence. Therefore, the petitioner's decision not to arrest Prathiba cannot be faulted.

5.4. It is well established that if a dispute appears civil in nature, the parties should be relegated to civil remedies. However, registration of FIR is permissible if the complaint discloses a cognizable offence warranting investigation.



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5.5 In the present case, the petitioner filed a charge sheet after investigation. Although the first complainant was later acquitted, the trial court did not hold that the case was false, malicious, or without probable cause. The case filed by the second complainant against Prathiba also ended in acquittal. The record shows that the alleged incident did occur, followed by due investigation. Hence, the SHRC's finding that the petitioner acted arbitrarily and in collusion with Jayaprakash is not supported by evidence or law.

6. Conclusion:

6.1 In view of the above discussion, this Court is of the considered view that the petitioner's action in registering a case, arresting, and remanding the first complainant, and subsequently filing a charge sheet, was within the scope of his official duties and not motivated by malice or illegality to favor the said Jayaprakash as observed by the SHRC.



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6.2 Accordingly, the impugned order dated 11.06.2019 passed by the third respondent/State Human Rights Commission in SHRC Case No.2319/2014 is set aside. The writ petition is allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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

16.07.2025

Index : Yes

Internet : Yes

Neutral citation : Yes

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