



W.P.No.28358 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 15.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and
THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.28358 of 2021
&
W.M.P.No.29936 of 2021

M.Kameshwari
Inspector of Police (Crime)
K7- I.C.F Police Station
Chennai City

... Petitioner

vs.

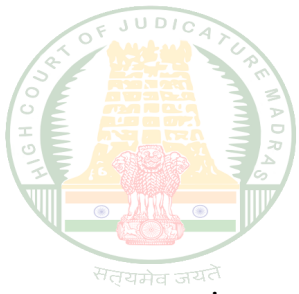
1. The Registrar
Honourable State Human Rights Commission - Tamil Nadu
No.143, P.S.Kumarasamy Raja Salai
Greenways Road
Chennai - 600 028

2. The Additional Chief Secretary to Government
Home Department, Govt. of Tamil Nadu
Secretariat, Chennai - 600 009

3. Mrs.Vadhani

... Respondents

Page Nos.1/9



W.P.No.28358 of 2021

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorari calling for the records relating to the impugned order dated 27.10.2021 made in S.H.R.C.No.8682 of 2018 on the file of the 1st respondent and quash the same.

For petitioners : Mr.R.Sreerangan

For Respondents : Mr.K.Suresh
for Mr.S.Wilson for R1

Mr.K.Suresh
Government Advocate for R2

Mr.J.Selvaraja for R3

ORDER

[Order of the Court was made by M.SUNDAR, J.]

1. The captioned writ petition has been filed challenging the order dated 27.10.2021 passed by the State Human Rights Commission, Tamil Nadu [hereinafter referred to as “SHRC” for the sake of convenience and clarity] in S.H.R.C. Case No. 8682 of 2018. By the said order, the Additional Chief Secretary to Government, Home Department, Secretariat, Chennai (the second respondent herein), was directed to pay a

Page Nos.2/9



W.P.No.28358 of 2021

compensation of Rs.1,00,000/- (Rupees One Lakh only) to the

complainant. SHRC further preserved the right of the second respondent to recover the said amount from the petitioner and also recommended to the Government to initiate disciplinary proceedings against the petitioner, in accordance with applicable service rules.

2. The factual background is as follows:

2.1. The complainant filed a complaint before the first respondent (SHRC) stating that, pursuant to a complaint lodged by one Vijayalakshmi alleging that the complainant had borrowed money under the pretext of securing employment, the complainant was repeatedly summoned to the police station. Under the guise of enquiry, she was allegedly harassed and tortured by the police. It was further alleged that the complainant was illegally arrested in Cr. No. 18 of 2019 for offences punishable under Sections 465, 466, 468, 471, and 473 IPC. The petitioner, who was the first respondent before the SHRC, entered appearance and denied all the allegations.

2.2. In support of her case, the complainant (third respondent herein) examined herself as PW1 and marked one document as Ex.P1. The



W.P.No.28358 of 2021

petitioner, in her defence, examined herself as RW1 and marked seven documents as Exs.R1 to R7.

2.3. After examining the oral and documentary evidence available on record, the SHRC recorded a finding that the petitioner had violated the human rights of the complainant and passed the impugned order.

3. Learned counsel for the petitioner submitted that the complaint had been lodged by Vijayalakshmi regarding a monetary transaction related to providing employment. Since the complainant had failed to return the money, the petitioner conducted a preliminary enquiry to verify the veracity of the allegations. Accordingly, the complainant was summoned to the police station for enquiry, and there is no evidence to establish that the petitioner, under the guise of such enquiry, violated the human rights of the complainant.

4. In response, learned counsel for the third respondent submitted that the offences alleged against the complainant were punishable with imprisonment up to seven years. Therefore, in compliance with Section 41-A of the Code of Criminal Procedure, 1973, the petitioner, being the Investigating Officer, was mandatorily required to serve a notice to the



W.P.No.28358 of 2021

WEB COPY

complainant prior to effecting arrest. The failure to do so, it was argued, rendered the arrest unlawful and violative of both statutory provisions and the guidelines laid down by the Hon'ble Supreme Court. Hence, the SHRC rightly held that the petitioner had violated the complainant's human rights.

5. Mr. K. Suresh, learned Government Advocate, adopted the submissions made by learned counsel for the complainant and prayed for dismissal of the writ petition.

6. Arguments advanced by the respective parties have been duly considered.

7. It is not in dispute that a case was registered against the complainant in Cr. No. 18 of 2019 for offences punishable under Sections 465, 466, 468, 471, and 473 IPC — all punishable with imprisonment extending up to seven years. Accordingly, the petitioner, being the Investigating Officer, was statutorily obligated to issue a notice under Section 41-A Cr.P.C. before effecting the arrest. However, the petitioner failed to do so and proceeded with the arrest without following the mandatory procedure. Consequently, the arrest stands vitiated due to non-



W.P.No.28358 of 2021

compliance with Section 41-A Cr.P.C. and the binding guidelines laid down by the Hon'ble Supreme Court in that regard.

8. In these circumstances, the SHRC rightly concluded that the petitioner had violated the complainant's human rights. However, there is no material on record to suggest that the petitioner has a prior history of similar violations. Taking this into consideration, this Court is of the view that the portion of the SHRC's order recommending initiation of disciplinary proceedings against the petitioner is liable to be set aside.

9. Accordingly, the writ petition is allowed in part:

i) The impugned order dated 27.10.2021 passed by the first respondent – SHRC in SHRC Case No. 8682 of 2018, insofar as it directs the second respondent to pay a compensation of Rs.1,00,000/- (Rupees One Lakh only) to the complainant / third respondent herein, is confirmed.

ii) The recommendation made by the SHRC at Clause (c) of the order, directing the Government to initiate disciplinary proceedings against the petitioner as per the relevant rules, is set aside.



W.P.No.28358 of 2021

WEB COPY

iii) The petitioner is directed to pay the aforesaid compensation of Rs.1,00,000/- to the complainant / third respondent within four weeks from today, i.e., on or before 12.08.2025.

Consequently, the connected miscellaneous petition stands closed.

There shall be no order as to costs.

[M.S., J.]

[H.C., J.]

15.07.2025

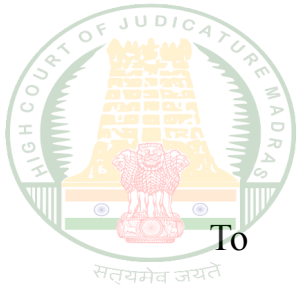
Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

gpa

P.S: Though the captioned writ petition is disposed of, list the captioned writ petition under the cause list caption 'FOR REPORTING COMPLIANCE' on 12.08.2025.



W.P.No.28358 of 2021

To

WEB COPY

1. The Registrar
State Human Rights Commission - Tamil Nadu
No.143, P.S.Kumarasamy Raja Salai
Greenways Road
Chennai - 600 028
2. The Additional Chief Secretary to Government
Home Department, Govt. of Tamil Nadu
Secretariat, Chennai - 600 009



WEB COPY



W.P.No.28358 of 2021

M.SUNDAR, J.
and
HEMANT CHANDANGOUDAR, J.

gpa

W.P.No.28358 of 2021

15.07.2025

Page Nos.9/9