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W.P.No.31157 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

CORAM :

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

**AND**

**THE HONOURABLE MR. JUSTICE R. SAKTHIVEL**

W.P.No.31157 of 2022  
and W.M.P.No.30590 of 2022

1.J.Nagaraj

2.P.Chinnasamy

... Petitioners

*Vs.*

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

2.The Government of Tamil Nadu,  
Rep. By its Addl. Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Fort St.George, Secretariat,  
Chennai – 600 009.

3.Parameswari

... Respondents



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**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the impugned order/recommendation dated 30.08.2022 passed by the first respondent commission in S.H.R.C.No.361 of 2019 and quash the same.

For Petitioners : Mr.R.Ganesh Kumar

For R1 : Mr.T.C.Gopalakrishnan (No appearance)

For R2 : Mr.G.Ameedius,  
Government Advocate

For R3 : No appearance

### **ORDER**

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

Heard Mr.R.Ganesh Kumar, learned counsel for the petitioner, as well as Mr.G.Ameedius, learned Government Advocate, appearing for the second respondent. Though notice has been served on the third respondent and her name is also printed in the cause list, none appeared on her behalf.



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2. The specific case of the third respondent herein/complainant

before the State Human Rights Commission (hereinafter referred to as Commission) is that on 07.02.2019, two lady constables had assaulted her, before taking her in auto-rickshaw to the All Women Police Station, Salem. It is also her case that on 09.02.2019, two police men had come to her house and after searching for her son in the house, she was taken in a police jeep to Kitchipalayam Police Station wherein, the petitioners herein had scolded her and her husband in filthy words, detained them the whole day at the station and then sent them back at night.

3. Before the Commission, the complainant examined herself as P.W.1. The Commission, through its order dated 30.08.2022, passed in SHRC Case No.361 of 2019, had taken into consideration that the petitioners herein had simply denied their involvement in the case in their counter statement, but failed to establish their defense and therefore, had recommended the Government to pay a compensation of Rs.50,000/- to the complainant/third respondent herein, with a liberty to the Government, to recover a sum of Rs.25,000/- from each of the petitioners herein, apart



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from recommending for departmental action. This order is challenged before us.

4. We have perused the order of the Commission dated 30.08.2022.

5. The point for consideration, which commences at paragraph 7 of the impugned order dated 30.08.2022, speaks only about the denial made by the petitioners herein in their counter. Apart from that, no reasons have been adduced as to how the Commission had satisfied itself with regard to the genuineness of the averments made in the complaint that the rights of the complainant has been violated.

6. The learned counsel for the petitioners drew our attention to the deposition of P.W.1/complainant. During the course of cross-examination, the complainant had specifically stated that she was not assaulted by the petitioners herein. This is a vital part of the oral statement, which may stand in favour of the petitioners herein, which aspect has been disregarded by the Commission. Apart from this, the third respondent



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herein/complainant though had specifically stated in her complaint that she was assaulted by the lady constables, had admitted of not having given any complaint against them also.

7. The Commission had in general remarked upon the conduct of the police personnel and without making any reference to the evidences before it, had made the recommendations for compensation and departmental action. In our view, such an order could only be termed as 'perverse', which cannot stand for legal scrutiny.

8. Accordingly, the Writ Petition stands allowed and the impugned order passed by the first respondent herein dated 30.08.2022 in SHRC Case No.361 of 2019 is hereby set aside. No costs. Connected miscellaneous petition is closed.

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

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

**17.11.2025**

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Neutral Citation: Yes

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

*Sni*

To

1.The Registrar,  
Tamil Nadu State Human Rights Commission,  
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2.The Addl. Chief Secretary to Government of Tamil Nadu,  
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