

W.P.No.30635 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2025

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CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.P.No.30635 of 2024

Thiru.A.Elangovan

.. Petitioner

Vs

1. State Human Rights Commission
Tamil Nadu, "Thiruvarangam"
No.143, P.S.Kumarasamy Raja Salai
(Greenways Road)
Chennai 600 028
 2. The Secretary to the Government of Tamil Nadu
Home Department, Secretariat, Chennai
 3. The Director General of Police
Tamil Nadu
 4. The Commissioner of Police
Chennai
- .. Respondents

Petition filed under Article 226 of the Constitution of India, praying
for issuance of a Writ of Certiorari, to call for the entire records on the file of



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the 1st respondent pertaining to SHRC Case No.8274/22/13 of 2024 dated

07.10.2024 and all other consequential acts pursuant to it and quash the same.

For Petitioner :: Mrs.M.Sneha

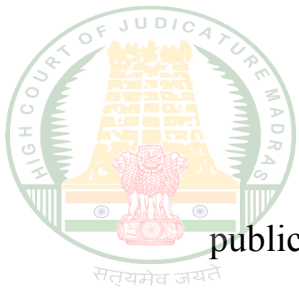
For Respondents :: Mr.Arun Anbumani for R1
Mrs.E.Ranganayaki
Additional Government Pleader
for R2
Mr.M.Babu Muthu Meeran
Additional Public Prosecutor
for R3 & R4

ORDER

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

The interim order dated 7th October, 2024 passed by the State Human Rights Commission in SHRC Case No.8274/22/13 of 2024 is under challenge in the present writ proceedings.

2. The writ petitioner was holding the post of Assistant Commissioner of Police and now retired from service. On 1st October, 2024, the State Human Rights Commission took judicial notice of the video available in

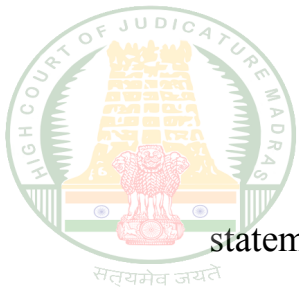


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public domain that the Assistant Commissioner of Police, Chennai with a team of police personnel, under the guise of warning to a lady, presumably, wife of a person involved in criminal cases has stated that “will break the bones if a person takes knife or encounter, if he is involved in any murder” and initiated suo motu proceedings. The State Human Rights Commission found that the utterance of the police officer in public, accompanied by many police personnel, is nothing but a open challenge to the Constitution of India, provisions of the Protection of Human Rights Act, 1993 and the justice delivery system.

3. Notices were issued to the writ petitioner and the Commissioner of Police. The Commissioner of Police filed an affidavit, which was accepted by the Human Rights Commission and he was deleted from the suo motu proceedings. However, the proceedings against other officers are pending as of now. The matter was taken up for hearing on 7th October, 2024. The Assistant Commissioner of Police/writ petitioner appeared before the State Human Rights Commission. The Commission posed a question to the Assistant Commissioner as to what exactly he has understood to the



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statement of the Commissioner of Police/ADGP that “action would be taken in the language understood by rowdies”. He replied that he has not understood anything. The Commission thereafter found that the Assistant Commissioner of Police admitted the alleged warning/threat given to that lady. Consequently, the Human Rights Commission conducted an enquiry by providing opportunity to the Assistant Commissioner of Police/writ petitioner and in the impugned order, the Commission directed the Director General of Police and Commissioner of Police to consider the submissions recorded in the interim order and take appropriate disciplinary action against the writ petitioner under the Service Rules and report to the Commission by 14.10.2024.

4. The main contention of the writ petitioner is that no opportunity to establish his case was provided to the writ petitioner. Though the order impugned is an interim order, a direction was issued to the Director General of Police and the Commissioner of Police to initiate departmental proceedings under the Service Rules. Thus the petitioner has instituted the present writ proceedings.

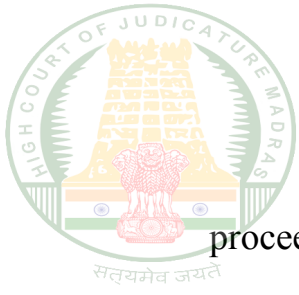


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5. The learned counsel appearing on behalf of the State Human Rights Commission would submit that due procedures as contemplated were followed. Opportunity was afforded to the writ petitioner to defend his case. Thus, in the interim order, a direction was issued for initiation of disciplinary proceedings and the main suo motu proceeding is still pending for adjudication before the Human Rights Commission.

6. This Court is of the considered view that during the pendency of the main proceeding, issuing an interim direction to initiate disciplinary proceedings against the writ petitioner may cause prejudice, since the Commission is yet to conduct a full-fledged enquiry in the main suo motu proceedings. Accordingly, the direction issued to the Director General of Police and the Commissioner of Police for initiation of disciplinary proceedings against the writ petitioner alone, shall be kept in abeyance till passing of the final order in SHRC Case No.8274/22/13 of 2024. The State Human Rights Commission is requested to dispose of the suo motu



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proceedings, as expeditiously as possible. With this direction, the writ petition stands disposed of. Consequently, W.M.P.No.33237 of 2024 is closed. No costs.

Index : yes
Neutral citation : yes

(S.M.S.,J.) (K.R.S.,J.)
01.04.2025

SS

To

1. The Registrar
State Human Rights Commission
Tamil Nadu, "Thiruvarangam"
No.143, P.S.Kumarasamy Raja Salai
(Greenways Road)
Chennai 600 028
2. The Secretary to Government of Tamil Nadu
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S.M.SUBRAMANIAM,J.

AND

K.RAJASEKAR,J.

SS

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