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WP No. 31706, 35775, 33864 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

DATED : 30.07.2025

THE HONOURABLE MR JUSTICE M. SUNDAR

AND

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 31706, 35775, 33864 of 2023

AND

WMP.Nos. 31341, 35768, 35769, 33711 and 33712 of 2023

W.P.No. 31706 of 2023

S.Bhuvaneswari

..Petitioner

Vs

1.M.Asalam Musthafa

2.The State Human Rights Commission of Tamil Nadu,

rep by its Registrar,

No.143, P.S.Kumarasamy Raja Salai,

Greenways Road, Chennai-600028.

..Respondents

W.P.No. 35775 of 2023

T. Vijayakumar

..Petitioner

Vs

1.The State Human Rights Commission of Tamil Nadu,

rep by its Registrar,

No.143, P.S.Kumarasamy Raja Salai,

Greenways Road, Chennai-600028.



2.M.Asam Musthafa

..Respondents

W.P. No. 33864 of 2023

1.Balamurali

2.Ashokkumar

3.Murugan

..Petitioners

Vs

1.The State Human Rights Commission of Tamil Nadu,
rep by its Registrar,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai-600028.

2.M.Asam Musthafa

..Respondents

Writ Petitions are filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records of 1st respondent's impugned order in SHRC Case No. 7841 of 2018 dated 19.09.2023 and quash the same as illegal and pass further or other orders.

For Petitioners :Dr.C.Ravichandran

For Mr. S.B.Viswanathan (W.P.No. 31706 of 2023)

Mr.A.Manoj Kumar

For Mr.K.Vijayaragavan (W.P.Nos.35775

&33864 of 2023

For Respondents : Mrs.Sharada Vivek

(For R2 in W.P.No. 31706 of 2023 and For R1 in
W.P.Nos.35775 & 33864 of 2023)

No Appearance -(For R1 in W.P.No. 31706 of
2023 and For R2 in W.P.Nos.35775 & 33864
of 2023)



COMMON ORDER

(made by HEMANT CHANDANGOUDAR, J.)

The captioned three writ petitions have been filed seeking the issuance of a writ of certiorari, assailing the order dated 19.09.2023 passed by the State Human Rights Commission (hereinafter referred to as “SHRC” for the sake of brevity, convenience, and clarity) in SHRC Case No. 7841 of 2018. By the said order, the SHRC directed the Government of Tamil Nadu to pay a compensation amount of Rs. 2,00,000/- to the complainant and Rs. 50,000/- each to PW2 and PW3, and further directed recovery of a sum of Rs. 60,000/- from respondents 1 to 5 before the SHRC.

2. The parties are referred to by their respective rankings before the SHRC for the sake of convenience and clarity.

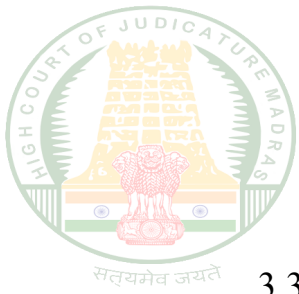
Factual Background:

3.1. The complainant before the SHRC filed a complaint stating that he was selling onions on the roadside. On 04.08.2018, at about 6:00 PM, while the complainant was selling onions from his mini van, respondents 2 and 4 arrived at the spot and asked him not to conduct business on the roadside. They allegedly abused and assaulted him and took his vehicle to the police station.



The complainant, along with his uncle Syed Musthafa and his brother Sadham, went to the police station and requested that the police either register a case if any offence had been committed or issue a receipt so that he could pay the fine before the jurisdictional Court. In response, the 4th respondent allegedly abused the complainant, made derogatory remarks about his religion, and assaulted him.

3.2. The 4th respondent allegedly seized Rs. 33,500/- in cash and the complainant's mobile phone. He, along with seven other police personnel, took the complainant into the room of the Sub-Inspector of Police, undressed him, and assaulted him for nearly an hour using hands, booted legs, lathis, and bamboo sticks. The complainant was also subjected to verbal abuse using filthy language. Although the complainant's uncle and brother pleaded with the respondents not to assault him, citing his serious medical condition, the respondents continued the assault, targeting his back, thighs, legs, and hands. The 5th respondent allegedly attacked the complainant's left eye, and the 2nd respondent caused injuries to his hand. A criminal case was then registered against the complainant in Crime No. 568 of 2018 under Sections 294(b), 332, and 357 of the IPC. After registering the case, the 5th respondent further abused the complainant using unparliamentary language, threatened him, and took him into custody.



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3.3. The respondents entered appearance and denied all allegations. They stated that on 04.08.2018, at about 6:30 PM, while respondents 2 and 4 were on patrol duty, they noticed the complainant obstructing the road by selling onions from his vehicle. The complainant did not possess any documents related to the vehicle. When asked to take the vehicle to the police station, the complainant allegedly used abusive language, pulled the shirt of the 4th respondent, and behaved in a disrespectful manner. As the Head Constable attempted to stop the vehicle, the complainant tried to flee the scene using abusive language. The Head Constable managed to avoid the attack and immediately informed higher officials. Subsequently, a criminal case was registered against the complainant in Crime No. 568 of 2018 under Sections 294(b), 332, and 307 of IPC. He was arrested, produced before the jurisdictional Magistrate, and later released on bail.

4. To prove his case, the complainant examined himself as PW1, his brother as PW2, and his uncle as PW3. He marked four documents as Ex.P1 to Ex.P4. Respondents 1, 2, 4, and 5 were examined as RW1 to RW4, filed proof affidavits, and marked Ex.R1. After evaluating the evidence and records, the SHRC held that



respondents 1 to 5 had violated the human rights of the complainant and passed the impugned order.

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5. Mr. A. Manojkumar, learned counsel for the petitioners/respondents before the SHRC, submitted that the complainant was arrested in Crime No. 568 of 2018. When he was produced before the jurisdictional Magistrate, he did not make any complaint of police atrocities. He argued that the discharge summary marked as Ex.P1 does not establish that the complainant sustained injuries due to any alleged police assault. Therefore, in the absence of cogent evidence to substantiate the allegations, the impugned order of the SHRC is not legally sustainable.

6. Mrs. Sharada Vivek, learned standing counsel appearing for the SHRC, submitted that the oral and documentary evidence produced by the complainant clearly establishes that the petitioners violated his human rights. She argued that the SHRC, after evaluating the materials on record, rightly passed the impugned order, which does not warrant any interference.

7. The complainant, despite due service of notice in all three writ petitions, did not appear before this Court, either in person or through counsel. Therefore, these writ petitions are being disposed of based on the materials available on



record and the submissions made by the respective learned counsels. It is also noted that on previous occasions, no one appeared on behalf of the complainant, which was duly recorded by this Court.

8. The arguments of the learned counsels and the materials placed on record have been duly considered.

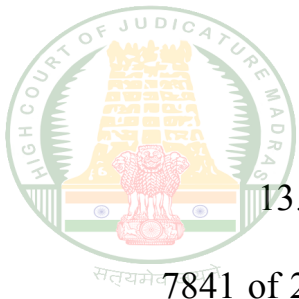
9. A criminal case was registered against the complainant in Crime No. 568 of 2018 under the aforesaid sections. Among them, Section 307 IPC is punishable with more than seven years of imprisonment, and therefore, the arrest of the complainant was in conformity with the provisions of the Cr.P.C. To prove that he had sustained injuries due to police assault, the complainant produced a discharge summary issued by the Government District Hospital, Kallakurichi, marked as Ex.P1. A perusal of Ex.P1 reveals that, apart from mentioning that the complainant was “assaulted,” no specific injuries are recorded. It further shows that the complainant was admitted and discharged on the same day. In contrast, the proof affidavit submitted by the complainant stated that he was admitted on 10.08.2018 and discharged on 12.08.2018. The SHRC, however, wrongly recorded that the complainant was admitted on 09.08.2018 and discharged on 12.08.2018, which is inconsistent with the evidence on record.



10. The other medical record marked as Ex.P2 indicates that the complainant was suffering from epilepsy. Ex.P3 confirms that he was prescribed medication for the same condition. Ex.P4 comprises photographs that show injuries on the back of the complainant's thigh and a fracture on his left hand. However, those photographs are not corroborated by any medical evidence. Therefore, the SHRC erred in appreciating the evidentiary value of the documents produced.

11. Moreover, PW2 and PW3, being the complainant's brother and uncle respectively, are interested witnesses, and their testimonies cannot be treated as wholly trustworthy or credible in the absence of any independent witnesses. Furthermore, there was no complaint of police atrocities before the Learned Magistrate at the time of remand .

12. In the absence of any substantial evidence to establish that the respondents violated the human rights of the complainant, the impugned order passed by the SHRC is not legally tenable.



13. Accordingly, the impugned order dated 19.09.2023 in SHRC Case No. 7841 of 2018 is set aside. The captioned writ petitions are allowed. Consequently,

connected miscellaneous petitions are closed. There shall be no order as to costs.

[M.S.,J.]

[H.C.,J]

30.07.2025

Index : Yes/No

Internet : Yes

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To

The Registrar,

State Human Rights Commission of Tamil Nadu,

No.143, P.S.Kumarasamy Raja Salai,

Greenways Road, Chennai-600028.



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WP No. 31706, 35775, 33864 of 2023



M. SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

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