



WEB COPY

W.P.No.3460:



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR

AND

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUNDAR

W.P. No.34601 of 2022 and W.M.P.No.34044 of 2022

M. Balasubramaniyan

Petitioner

vs.

1. State Human Rights Commission – Tamil Nadu
represented by its Registrar
143, P.S. Kumarasamy Raja Salai
Greenways Road
Chennai 600 028

2. V. Lokesh

3. Rajesh Kannan
Inspector of Police

4. Senthilnathan
Head Constable
Anna Nagar Police Station

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records pertaining to the order dated 12.09.2022 passed by the first respondent in S.H.R.C. No.11218 of 2019, quash the same.



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For petitioner	Mr. V. Anandhamurthy
For R1	Ms. S.R. Sumathy for Ms. K. Gomathi
For R2	No appearance

ORDER

(made by HEMANT CHANDANGOUDAR, J.)

1. For the sake of convenience and clarity, the parties are referred to as per their rank before the State Human Rights Commission – Tamil Nadu (hereinafter referred to as “SHRC”).

2. This writ petition has been filed seeking the issuance of a writ of certiorari to quash the order dated 12.09.2022 passed by the SHRC in SHRC Case No.11218 of 2019, wherein the SHRC, having found that the second respondent had violated the human rights of the complainant, directed the Government of Tamil Nadu to pay a sum of Rs.25,000/- as compensation to the complainant and recover the same from the second respondent, the petitioner herein, while dismissing the complaint as against respondents 1 and 3.

3. Factual Background:

3.1 The complainant filed a complaint before the SHRC stating that he was running a business under the name and style of “Fantastic Car Zone,” engaged in the purchase and sale of four-wheeler spare parts. One Sadik



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Basha approached the complainant and offered to sell his Jetta car, for which the complainant paid an advance of Rs.2.70 lakhs. As he was known to the complainant, he took the car promising to return with renewed insurance documents, but he failed to do so. The complainant later discovered that Sadik Basha had handed over the car to one Vishnu for a sum of Rs.3 lakhs. Consequently, the complainant lodged a complaint against Sadik Basha at the K4 Anna Nagar Police Station on 21.10.2019, which was registered as a CSR. He was summoned for enquiry on 04.11.2019 and, along with one Rafeeq Bai, attended the enquiry around 2:00 p.m.

3.2. It is alleged that during the enquiry, the first respondent (Inspector of Police) abused the complainant in filthy language and threatened him with a firearm. The second respondent (Sub-Inspector of Police) allegedly took the complainant to a separate room, disrobed him, and, along with the third respondent (Constable), assaulted him with a PVC pipe, resulting in a fracture to the complainant's left leg. He was released around 9:00 p.m. and sought treatment first at UK Hospital and was later referred to Kilpauk Medical College Hospital, where an x-ray confirmed the fracture.

3.3. The respondents entered appearance before the SHRC. The first respondent filed a counter statement, which was adopted by the second and



third respondents. The respondents denied all the allegations and stated that the complainant had lodged a complaint at around 8:00 p.m. on 21.10.2019, which was registered as CSR No.886 of 2019. The second respondent conducted the enquiry. Subsequently, on 04.11.2019, one Rakesh, who operated a used car showroom in the name of "Rakesh Group," filed a complaint against the complainant and Sadik Basha, which was registered as CSR No.934 of 2019. Both complaints involved the same car and parties and were civil in nature. The complainant failed to produce any document evidencing payment to Sadik Basha. A further enquiry was scheduled for 05.11.2019, and the CSR was eventually closed as a civil dispute.

3.4. The complainant examined himself as P.W.1 and marked Exhibits P1 to P8. The second respondent, deposed as R.W.1 and marked Exhibits R1 to R10 on behalf of all respondents.

3.5. After evaluating the oral and documentary evidence, the SHRC concluded that the second respondent had violated the human rights of the complainant and awarded compensation as noted in paragraph 2 above. The complaint was dismissed as against respondents 1 and 3. Aggrieved thereby, the second respondent has filed this writ petition.

4. Mr. V. Anandhamurthy, learned counsel appearing for the petitioner/second respondent, submitted that the complainant was merely



summoned for an enquiry regarding his complaint against Sadik Basha. The medical records allegedly produced to show that he was assaulted and injured by the second respondent are fabricated. In the absence of any credible material to support the allegation, the impugned order passed by the SHRC is not legally sustainable.

5. Per contra, Ms. S.R. Sumathy, learned counsel representing Ms. K. Gomathi, counsel on record for the SHRC, submitted that the SHRC rightly appreciated the evidence on record and passed a well-reasoned order, which warrants no interference.

6. On 11.07.2025, counsel for the second respondent and for the SHRC were present, whereas counsel for the complainant was absent. Therefore, the matter was adjourned with a caveat that the Court would proceed based on the available materials and submissions of counsel present. Even today, neither the complainant nor his counsel appeared. Hence, the writ petition is decided based on the available records and submissions.

7. The arguments advanced by the learned counsel and the materials on record have been duly considered.

8. To substantiate the alleged assault and resulting injury, the complainant marked Exhibits P1 to P6. Exhibit P3, the Accident Register

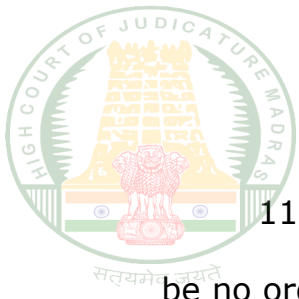


issued by the hospital, indicates a fracture in the third metacarpal bone.

Exhibit P6 is an x-ray, and Exhibit P4 is a prescription issued by a UK Hospital. In cross-examination, it was suggested that the x-ray was fabricated, which the complainant denied. However, the complainant failed to examine the doctor who treated him, the radiologist who issued the x-ray, or the medical officer who gave the prescription. The burden of proving the genuineness of medical records, particularly when specifically disputed as fabricated, lay with the complainant. This burden was not discharged.

9. Further, the second respondent produced Exhibits R1 and R5 — the complaints lodged by and against the complainant — establishing that it was a case and counter-case. Both parties were called for enquiry on 04.11.2019, and thereafter summoned for further enquiry on 05.11.2019. The complainant, however, chose to visit the hospital instead, alleging assault on 04.11.2019. Except for his own self-serving statement and disputed medical records, no independent or reliable evidence was adduced to prove that the second respondent violated the complainant's human rights.

10. In light of the above discussion, we are of the view that the impugned order dated 12.09.2022 passed by the SHRC is not legally sustainable.



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11. Accordingly, this writ petition stands allowed. However, there shall be no order as to costs. The connected writ miscellaneous petition is closed.

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(M.S., J.) (H.C., J.)
17.07.2025

cad

Index : Yes/No

NC : Yes/No

To

The Registrar

State Human Rights Commission – Tamil Nadu

143, P.S. Kumarasamy Raja Salai

Greenways Road

Chennai 600 028



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W.P.No.3460:



M. SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

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