



WP No. 33521 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : **14-07-2025**

Delivered on : **11-08-2025**

CORAM

THE HONOURABLE MR JUSTICE M. SUNDAR

AND

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

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AND

WMP.No. 33984 of 2019

1. Subramanian

Police Constable,

R-10, M.G.R Nagar Police Station,

Chennai.

2.Devaraj

Inspector of Police(L & O)

R-10, M.G.R Nagar Police Station,

Chennai.

..Petitioners

Vs

1.Tamil Nadu State Human Rights Commission,

Represented by its Registrar,

143, P.S.Kumarasamy Salai,

Greenways Road, Chennai-600028



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2. The Additional Chief Secretary to Government,
Home Department,
Secretariat,
Chennai-600009.

3. V. Meenakshisundaram
S/o. Veerasamy

.. Respondents

Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned order dated 21.1.2019 passed in SHRC No.963/2016 by the 1st respondent and quash the same and pass such other order or orders.

For Petitioners : Mr. M. Deivanandam

For Respondents : Mr. A. Edwin Prabakar, State GP – R1

Mr. K. Suresh, GA - R2

Mr. N. Iyyakannu – R3

ORDER

HEMANT CHANDANGOUDAR, J.

The challenge in the captioned writ petition is to the order passed by the State Human Rights Commission, Tamil Nadu in SHRC Case No. 963/2016, whereby the Additional Chief Secretary to Government, Home Department, Secretariat, Chennai, was directed to pay compensation of Rs. 1,00,000/- to the



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complainant, with liberty to recover a sum of Rs. 25,000/- from the first petitioner herein and a sum of Rs. 75,000/- from the second petitioner herein. The Additional Chief Secretary was also granted liberty to initiate disciplinary action against the said respondents/petitioners herein.

Factual background:

2.1 The State Human Rights Commission, Tamil Nadu (hereinafter referred to as “SHRC” for the sake of clarity and convenience) received a complaint dated 03.03.2016 from V. Meenakshisundaram (hereinafter referred to as “*the complainant*” for the sake of clarity and convenience). In the complaint, it was alleged that on 04.02.2016, at about 2:54 p.m., he received a call from the first respondent/Police Constable and was summoned to appear before the second respondent/Inspector of Police at R-10 MGR Nagar Police Station. Upon his visit to the police station, the second respondent allegedly abused him using unparliamentary language, forced him to remove his clothes, and assaulted him on his left hand and thigh with a lathi. Thereafter, a false and vexatious complaint was registered against him for offences punishable under Section 75 of the City Police Act read with Section 7(1)(a) of the Criminal Law Amendment Act.



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2.2. He further alleged that he suffers from 60% physical disability, and therefore, the accusation that he picked up a stone and threatened to damage vehicles is wholly baseless.

2.3. The petitioners, who were the respondents before the SHRC, entered appearance and denied all the allegations. They contended that the arrest of the complainant was informed to his mother and was effected in compliance with the provisions of the Criminal Procedure Code (Cr.P.C). To substantiate his case, the complainant examined himself as PW1 and marked documents as Exs. P1 to P5. The second respondent examined himself as RW1 and marked three documents as Exs. R1 to R3. Upon consideration of the oral and documentary evidence, the SHRC recorded a finding that respondents 1 and 2 had violated the human rights of the complainant and accordingly passed the impugned order.

3. Mr. M. Deivanandam, learned counsel for the petitioners, submitted that the complainant is a history-sheeter and that several cases had previously been registered against him. He further contended that the complainant's arrest



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was effected in the presence of his wife, and therefore, cannot be said to be vitiated due to non-compliance with the mandatory provisions of the Cr.P.C. He also submitted that, apart from the self-serving testimony of the complainant, there is no substantial evidence to support the allegations made against the petitioners. Hence, the complaint before the SHRC was filed with malice and with an intent to take revenge against the petitioners, who had merely discharged their official duties in accordance with law. In the absence of cogent evidence establishing any violation of human rights by the petitioners, the impugned order passed by the SHRC is not legally sustainable.

4. In response, Mr. N. Iyyakannu, learned counsel for the third respondent/complainant, submitted that the oral and documentary evidence clearly established that the arrest of the complainant was vitiated on account of non-compliance with the mandatory provisions of the Cr.P.C. He contended that the SHRC, upon a thorough consideration of the evidence on record, rightly concluded that the petitioners had violated the human rights of the complainant and therefore rightly passed the impugned order.



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5. The arguments advanced by the learned counsel for the parties have been duly considered.

6. This Court, vide order dated 29.11.2019, granted an interim order only with regard to recommendations in clause (a) and (b) of paragraph 14 of the impugned order. The recommendation in clause (c), directing the State Government to initiate disciplinary action, was not stayed. Consequently, the State Government proceeded with the disciplinary action. Learned counsel for the petitioner has produced copies of the disciplinary proceedings initiated against the petitioners.

7. A perusal of the said proceedings reveals that the charge against the petitioners pertained to violation of human rights, which is the subject matter of the impugned order passed by the SHRC. The charges were held to be proved. Accordingly, the first petitioner (first respondent before the SHRC) was imposed with the penalty of “deferred black mark for three months,” while the second respondent before the SHRC was imposed with the penalty of “deferred censure for three months.” The orders imposing penalties have attained finality and have been in force since 22.03.2022 and 29.06.2024, respectively.



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8. The allegation against the first petitioner is that he had summoned the complainant to the police station over the phone in relation to a crime registered against him. This manner of summoning is unknown to law and contrary to the procedure established under the Cr.P.C. The first petitioner has not denied this allegation. Therefore, the SHRC rightly concluded that such summoning was in violation of Section 160 of the Cr.P.C.

9. The complainant further alleged that the second petitioner/Inspector of Police, without following the procedure prescribed under the Cr.P.C. and in violation of the guidelines issued by the Hon'ble Apex Court, arrested and assaulted him while in custody. The SHRC perused Ex.P2 / remand report and noted that the learned Magistrate had endorsed that the complainant was produced before him at 8:05 p.m. and that the complainant had stated he was beaten by the police on his left hand. Nothing was elicited in the cross-examination of the complainant to disprove or discredit this allegation of assault.



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10. The second petitioner contended that the arrest made on 04.02.2016 was intimated to the complainant's mother. However, to disprove this claim, the complainant produced a copy of his mother's death certificate (Ex.P4), which shows that she had passed away on 07.05.1981.

11. Furthermore, the offences alleged against the complainant were punishable with imprisonment of up to seven years. In such a case, the second respondent was required to comply with the mandate of Section 41-A of the Cr.P.C. prior to effecting the arrest, which he failed to do. The allegation that the complainant was assaulted when not in police custody was also not controverted by the petitioners.

12. The interim order dated 29.11.2019 in this writ petition granted a stay only with respect to compensation and recovery as mentioned in para 14(a) and (b) of the impugned order passed by the SHRC. There was no stay in respect of the recommendation for initiation of disciplinary proceedings in para 14(c). Therefore, disciplinary proceedings were initiated during pendency of the writ petition, and the charges were held to be proved. Accordingly, the first petitioner (first respondent before the SHRC) was imposed with the penalty of



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“deferred black mark for three months,” while the second respondent before the SHRC was imposed with the penalty of “deferred censure for three months.”

13. Thus, the findings recorded by the SHRC, when read in conjunction with the findings of the disciplinary authority in the departmental proceedings which have already attained finality clearly establish that the petitioners (respondents 1 and 2 before the SHRC) violated the human rights of the complainant. Therefore, we find no reason to interfere with the well-reasoned order passed by the SHRC.

14. Accordingly, the writ petition is dismissed as devoid of merits. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

(M.S., J.)

(H.C., J)

11.08.2025

Index : Yes

Internet : Yes

Neutral Citation : yes

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To

1. The Registrar

Tamil Nadu State Human Rights Commission,
143, P.S.Kumarasamy Salai,
Greenways Road, Chennai-600028.

2. The Additional Chief Secretary to Government,
Home Department,
Secretariat,
Chennai-600009.



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Pre-Delivery order in

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AND

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