



W.P.No.1642 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2026

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,  
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.1642 of 2026

and W.M.P.Nos.1693 and 1694 of 2026

1.C.Sivakumar  
Sub Inspector of Police,  
Periyanaickenpalayam,  
Coimbatore 641 020

Presently working as  
Inspector of Police  
Arakkonam Taluk Police Station  
Ranipet District

2.M.Jagathesprabhu  
Head Constable,  
Aliyar Police Station,  
Pollachi 642 101

Presently working as  
Head Constable 1135  
PEW Unit, Periyanaikkan Palayam,  
Coimbatore District

3.M.Anandhan  
Police Constable,  
Anaimalai Police Station,  
Anaimalai 642 104



W.P.No.1642 of 2026

4.Selvaganesh  
Police Constable,  
Armed Reserve Police,  
Dindigul District

Petitioners

Vs

- 1.The State of Tamil Nadu  
Rep. by Principal Secretary to  
Government,  
Home, Prohibition and Excise  
Department,  
Secretariat, Chennai 600 009
- 2.The State Human Rights Commission  
Tamil Nadu,  
Rep. by its Member,  
P.S.Kumarasamy Raja Salai  
(Greenways Road), Chennai 600 028
- 3.J.Krishnakumar  
S/o .Jaganathan,  
124, Nehru Colony, Mahalingapuram  
Pollachi, Coimbatore District 642 002

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records relating to the order dated 04.11.2025 in S.H.R.C. Case No.1969 of 2020 passed by the 2nd respondent and quash the same.

For Petitioners: Mr. N.Ponraj

For Respondents: Mr. E.Vijay Anand  
Addl. Government Pleader  
for R1



W.P.No.1642 of 2026

ORDER

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(Order of the Court was made by the Hon'ble Chief Justice)

Heard.

2. Challenge to the order is essentially premised on the submission that the State Human Rights Commission has wrongly recorded a perverse finding of fact that the complainant brought into custody was assaulted, resulting in violation of human rights.

3. We have gone through the detailed order passed by the Human Rights Commission. It is reflected that in support of the complaint that he was assaulted by the police officers while he was in custody, oral and documentary evidence has been adduced before the State Human Rights Commission. While the case of the complainant was that he was assaulted by the police officers after he was taken into custody, the case of the petitioners herein before the State Human Rights Commission was that the complainant sustained injury while escaping from custody.



W.P.No.1642 of 2026

4. This essentially is an issue of fact. It is an admitted position on record that the complainant sustained injury. Whether this was an injury sustained while he was escaping from custody or it was owing to torture by the police officers has been decided by the State Human Rights Commission after a detailed scrutiny of the oral and documentary evidence on record.

While one set of evidence led by the petitioners has been disbelieved, the oral and documentary evidence adduced by the complainant has been believed. The State Human Rights Commission tilted the balance in favour of the complainant's version because of presence of injury. If that is the approach of the State Human Rights Commission in arriving at a finding of fact, we are at a complete loss as to how this could be said to be a perverse finding.

There are certain observations commenting upon the legality/illegality of the procedure of arrest. To that extent the comments of the State Human Rights Commission, if we may say so, are mere observations. The issue as to the legality/illegality of arrest could be gone into only by the Court concerned or by the higher Courts dealing with an issue of legality/illegality of arrest.



W.P.No.1642 of 2026

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5. Be that as it may, the finding with regard to the violation of human rights is based on evidence, which cannot be said to be irrelevant or extraneous.

6. None of the grounds relates to the lack of procedural fairness. Notice was issued and reply was obtained. Both the parties were granted reasonable opportunity to lead evidence and thereafter the State Human Rights Commission recorded the finding.

7. The writ petition is dismissed. There shall be no order as to costs. W.M.P.No.1693 of 2026 filed to permit the petitioners to file a single writ petition stands allowed, inasmuch the petitioners have paid separate court-fee. W.M.P.No.1694 of 2026 is closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)  
27.01.2026

Index : Yes/No  
Neutral Citation : Yes/No  
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W.P.No.1642 of 2026

To:

WEB COPY

- 1.The Principal Secretary to  
Government,  
State of Tamil Nadu  
Home, Prohibition and Excise  
Department,  
Secretariat, Chennai 600 009
- 2.The Member,  
State Human Rights Commission  
Tamil Nadu,  
P.S.Kumarasamy Raja Salai  
(Greenways Road), Chennai 600 028



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W.P.No.1642 of 2026

THE HON'BLE CHIEF JUSTICE  
AND  
G.ARUL MURUGAN,J.

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W.P.No.1642 of 2026

27.01.2026