



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

**THE HON'BLE DR JUSTICE G. JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE SHAMIM AHMED**

**WP No. 4418 of 2022
and
WMP No. 4557 of 2022**

Gnanaselvam
Then Sub Inspector of Police,
D6, Anna Square Police Station,
Chennai.

..Petitioner

Vs

1. The Secretary to Government
Home Department,
Tamil Nadu Secretariat, Chennai-9.
2. The Registrar,
State Human Rights Commission,
No.143, P.S.Kumarasamy Raja Salai,
Chennai-28.
3. B.Gnanasekaran,
No.38, Palaniamman Koil South 3rd Street,
Triplicane, Chennai-05.
4. Vallinayagam,
Then Special Sub-Inspector of Police,
D-6, Anna Square Police Station,
Chennai-05.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Certiorari, to call for the records relating to impugned



recommendation passed by the 2nd respondent in SHRC Case No.8360 of 2012 dated on 07.04.2021 and to quash the same.

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For Petitioner: Mr.G.Chandraganth for
Mr.D.Alexis Sudhakar

For Respondents: Mr.V.Ravi
Special Government Pleader For R1
Mr.T.Balaji For R2
R3- Deceased
R4- No Such Person

ORDER

(Order of the Court was made by Dr.G.Jayachandran J.)

A complaint was received by the State Human Rights Commission from one B.Gnanasekaran against the respondents who were then Sub Inspector of Police (SI) and Special Sub Inspector of Police (SSI) attached to D6 Anna Square Police Station taken up for enquiry in SHRC.No.8360 of 2012.

2. According to the complaint, B.Gnanasekaran married one Amsavalli @ Meena on 23.01.2004. Due to domestic quarrel, the deceased left the matrimonial home on 01.04.2012 and committed suicide by hanging. On the complaint given by the brother of the deceased, the D6, Anna Square Police Station registered a case and initiated an investigation. The complainant, B.Gnanasekaran, was arrayed as an accused, summoned to the police station and subsequently arrested on suspicion. After the investigation, a final report was filed and the accused was tried for offences under Sections 306 and 498 A



of IPC in S.C.No.82 of 2014. Later, on completion of trial, the said B.Gnanasekaran was acquitted of all charges as the prosecution failed to prove the case beyond a reasonable doubt.

3. The complaint filed before the State Human Rights Commission by B.Gnanasekaran was that he was falsely implicated and humiliated by the writ petitioner herein, who was then serving as the Sub-Inspector (SI), and the Special Sub-Inspector (SSI), Vallinayagam, during the course of an investigation. Specific allegations were raised regarding the complainant being handcuffed and subjected to harassment by the police. On receipt of the complaint, the Registrar of the State Human Rights Commission directed the Commission's investigation wing to find out the veracity of the complaint. The subsequent enquiry report, submitted by the Superintendent of Police of the investigation wing of the State Human Rights Commission, stated that the case has been investigated by one Gnanasekaran, the Inspector of Police, who arrested and remanded the complainant with the assistance of Woman Sub-Inspector (WSI) Gnanaselvam (the writ petitioner) and SSI Vallinayagam. After considering the material placed on record, the State Human Rights Commission vide its order dated 07.04.2021, arrived at the following conclusion:

“19.This Commission, after analyzing the report submitted by the investigation wing of the SHRC, which includes the Report of the D6 Police Station Inspector, is of



the opinion that the case of abetment to suicide was not investigated properly. The Commission could also conclude that the complainant has been successful in proving that he has been subjected to human rights violation by the Respondents.

20.Hence for the reasons discussed above, and this Commission after having carefully examined the complaint, the counter, the depositions and all other records, concludes that the 1st respondent failed to do her duty. As a result of her biased investigation that complainant had faced untold humiliation. A free and fair investigation is the fundamental right of every citizen of our land, as guaranteed under Article 21 of the Constitution of India, and this has been denied to the complainant by the respondents.”

4. Based on the observation and conclusion, the Commission recommended that the Additional Chief Secretary to the Government pay a compensation of Rs.1,50,000/- to the complainant, Thiru B.Gnanasekaran, S/o of Bhoopathy and after making such payment, the Government was directed to recover a sum of Rs.1,00,000/- from Tmt.Gnanaselvam, Sub-Inspector of Police (the writ petitioner) and a sum of Rs.50,000/- from Thiru Vallinayagam Special Sub-Inspector.

5. The recommendations of the State Human Rights Commission (SHRC) have been challenged by way of writ petition filed by



Tmt.Gananselvam, on specific ground that she was neither the investigating officer nor the officer who registered the complaint. Further, she categorically denied the allegation of handcuffing the complainant, B.Gnansekaran. Even according to the report of the investigation wing of the State Human Rights Commission, the case was investigated by one Ganansekar, Inspector of Police. While so, even if the conclusion of the SHRC that the criminal case ended in acquittal due to a biased investigation, such lapse cannot be attributed to the writ petitioner.

6. The reasoning given by the State Human Rights Commission (SHRC) is fundamentally inconsistent with the findings of the Sessions Court. There is no indication to presume that the investigation was faulty or biased , nor that the writ petitioner was its 'cause and architect'. Unless there is material evidence to demonstrate that the investigation was sordid in nature and that the complainant was wilfully implicated in a criminal case for the purpose of harassment and humiliation, a mere error of judgment in the course of discharge of official duties cannot be construed as a violation of human rights. Such violation can be attributed only when there is a willful and intentional transgression of human rights.

7. In the present case, we find that the writ petitioner had no significant role either in the arrest or in the investigation. There is also no



material to conclusively establish that the investigation was biased. In the said circumstances, the reasoning given by the SHRC to arrive at its conclusions and recommendations, being devoid of factual support, is legally unsustainable and baseless.

8. As a result, this Writ Petition stands allowed. Consequently, the connected Miscellaneous Petition stands closed. No costs.

(G.J.,J.) (S.S.A.,J.)
11-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

rpl

To

1. The Secretary to Government
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Tamil Nadu Secretariat,
Chennai-9.
2. The Registrar,
State Human Rights Commission,
No.143, P.S.Kumarasamy Raja Salai,
Chennai-28.



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DR.G.JAYACHANDRAN J.
and
SHAMIM AHMED J.

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