



WEB COPY

WP No. 6310 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

W.P.No. 6310 of 2019

and

WMP.Nos. 21907 of 2024 & 7156 of 2019

1. E.Rajeshwari
Inspector of Police,
CCB, Team - VIII,
Chennai.

Now Presently Working at.

Inspector of Police (L and O)
G-5, Secretariat, Colony Police Station,
Chennai.

2. Balakrishnan
Sub-Inspector of Police,
CCB, Team-VIII,
Chennai.

3. Francis,
Station Writer,
CCB, Team - VIII,
Chennai.

..Petitioners

Vs

1. The State of Tamil Nadu,
Rep. by The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai – 600009.



2. State Human Rights Commission,
Rep. by Assistant Registrar,
Greenways Road,
P.S Kumarasamy Salai, Chennai

3. M.Arun Kumar

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, Calling for the records relating to the order of recommendation of the 2nd respondent in SHRC. No.5671 of 2014 dated 14.11.2018 and quash the same as far as the petitioner concern.

For Petitioners: Mr.A.Sakthivel

For Respondents: Mr.V.Ravi
Special Government Pleader for R1

Mr.S.Wilson for R2

No appearance for R3

ORDER

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

Heard the learned counsel appearing for the writ petitioner, the learned Special Government Pleader appearing for the State and the learned counsel appearing for the 2nd respondent.

2. The status report in respect of the criminal complaint investigated by the writ petitioners, as sought by this Court, has been filed by the Inspector of Police, Job Racket Investigation Wing, Alpha-6, CCB, Chennai.



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3. There is no representation for the 3rd respondent.

4. In this case, the petitioner, then working with the Central Crime Branch (CCB), Chennai, received a complaint from one Mythili on 01.07.2011. The complaint disclosed a cognizable offence in respect of job racket, leading to registration of Crime No.289 of 2011 under Sections 420, 468 read with 34 IPC against the partners of M/s. Future Solutions Private Limited.

5. In the course of investigation, the writ petitioner arrested A1 (Arun Kumaran) and A4 (Prakash) on 11.08.2014, A2 (Karthikeyan) on 01.05.2015 and A3 (Mervin Tennis) on 18.07.2011. The accused, acting as partners of a consultancy firm, were alleged to have cheated nearly 16 persons of about Rs.14 lakhs by promising employment abroad.

6. The 1st accused, Arun Kumaran, filed a complaint before the State Human Rights Commission (SHRC) alleging gross violation of human rights during the course of investigation, stating that he was arrested on the basis of a complaint given by one Mythili. The said complaint has been taken on file by the SHRC. After examining the witnesses and records, the SHRC passed an impugned order on 14.11.2018 with the following recommendations:-



“a)The Additional Chief Secretary to Government, Home Department, Secretariat, Chennai shall pay a compensation of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) to Mr.Arunkumaran, Old No.4, New No.100, 2nd Floor, South West Boag Road, T.Nagar, Chennai-600 017, within 8 weeks and the sum of Rs.2.50,000/- shall be recovered from the respondents.

b)After making such payment, the Government of Tamil Nadu, may recover a sum of Rs.1,00,000/- (Rupees One Lakh only) from the respondent Mrs.E.Rajeswari, Inspector of Police CCB, VIII Team, and a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) each from Mr.R.Balakrishnan, Special Sub-Inspector CCB, VIII Team, and Mr.K.Francis, Head Constable (16735) CCB, VIII Team.

c) The Additional Chief Secretary to Government, Home Department, Secretariat, Chennai shall take discretionary action against all the respondents Mrs.E.Rajeswari, Inspector of Police CCB, VIII Team, Mr. R.Balakrishnan, Special Sub-Inspector CCB, VIII Team and Mr.K.Francis, Head Constable (16735) CCB, VIII Team.”

7. Being aggrieved, the present writ petition has been filed by the Sub-Inspector of Police who registered the FIR, on the ground that the arrest of the Arun Kumaran and the other accused was made in compliance with the principles laid down in *Lalitha Kumari*, on being satisfied that a cognizable offence was made out. The alleged ill-treatment, as stated in the complaint, has not been proved through any tangible evidence or witnesses. In particular, though it is contended by Arun Kumaran that he was arrested and taken in a



Tempo Traveller, neither the driver of the vehicle nor any other supporting witness has been examined.

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8. If at all there is any ill-treatment, the said Arun Kumaran ought to have disclosed the same before the Magistrate at the time of remand. Further, the remand report does not indicate any such ill-treatment. It appears that the complaint has been lodged only to escape from the consequences of the criminal case and to target the Investigating Officer, who had discharged his official duties bonafide.

9. On consideration of the above submissions and the status report filed by the Sub-Inspector of Police, it is seen from the status report that on a complaint received from Mythili against the partners of M/s.Future Solutions alleging cheating to the tune of Rs.14 lakhs on the promise of employment abroad, a case was registered. On preliminary investigation, the four partners were arrested. We find that prior to remand, medical fitness certificates were obtained by the police authorities and the accused were produced before the Magistrate. The Magistrate, on considering the materials placed before him, remanded the accused persons and that there was no complaint of ill-treatment.

10. While so, the said Arun Kumaran was released on bail on 18.08.2014. From the status report we find that on completion of investigation,



a final report was filed before the XI Metropolitan Magistrate, Saidapet and same taken cognizance in C.C.No.4321 of 2015 dated 02.09.2015. Later the case has been transferred to the Special Court for CCB & CBI case and assigned C.C.No.9585 of 2017. Again transferred to the Additional CCB Court, where the case is now pending trial. We also seen from the records that one of the accused is absconding and a warrant has been issued against the absconding accused.

11. In the above said circumstances, we find that the SHRC has overreached its mandate and in the absence of proper material evidence, has passed the impugned recommendation, which is liable to be quashed. Accordingly, same is quashed.

12. As a result, this Writ Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

(G.J.,J.) (S.S.A.,J.)
26-03-2026

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

rpl



To

1. The Secretary to Government,
The State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai – 600009.

2. The Assistant Registrar,
State Human Rights Commission,
Greenways Road,
P.S Kumarasamy Salai,
Chennai



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