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WP No. 9610 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

**WP No. 9610 of 2022, WP NO. 12503 OF 2022,WP(MD) NO. 17169 OF
2024 and WP(MD) NO. 19764 of 2022**

AND

**WMP NO. 9351 OF 2022, WMP(MD) NO. 14421 OF 2022,WMP(MD) NO.
14807 OF 2024,WMP NO. 11974 OF 2022,WMP NO. 11976 OF 2022,WMP
NO. 9350 OF 2022,WMP(MD) NO. 14809 OF 2024**

WP.No.9610 of 2022:-

1. V.Ponramu
S/o.M.Veluchamy, now working as Additional
Superintendent of Police, Chengalpattu.
2. R.Prakash
S/o.Rathinam, Now working as Deputy
Superintendent of Police, Vilathikulam,
Tuticorin District.

..Petitioner(s)

Vs

1. The Registrar
Tamil Nadu State Human Rights Commission,
Chennai, (SHRC case No. 7346 of 2018 /C2).
2. The Additional Chief Secretary to Government
Home prohibition and Excise Department,
Secretariat, Fort St. George, Chennai- 600 009.
3. A.A.Samy
S/o.Mr.Aiyapillai, No.93, A/ 2A, kanthan
Colony, Second Street, 3rd Mile Stone,
Thoothukudi- 628 008.

..Respondent(s)



WP No. 12503 of 2022

1. G.Baskaran
S/o. R.S.Ganesan, Now working as Inspector of
police, Sathankulam police station, Tuticorin
District
2. S.Nambi Rajan
S/o. K.Subbiah, , Now working as Sub-
Inspector of police, Special Branch, Rural Sub-
division, Tuticorin District

..Petitioner(s)

Vs

1. The Registrar
Tamil Nadu state Human Rights Commission,
Chennai (SHRC Case No. 7346 of 2018/ C2)
2. The Additional Chief Secretary to government
Home, Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai 09
3. A.A.Samy
S/o. Mr.Aiyapillai, No. 93, A/2A, Kanthan
Colony, 2nd Street, 3rd Mile stone,
Thoothukudi 628 008

..Respondent(s)

WP(MD) No. 17169 of 2024

A.K. Latha

..Petitioner(s)

Vs

1. The Assistant Registrar (law)
State Human Rights Commission, Tamil Nadu
No. 143, P.S. Kumarasamy Raja Salai
(greenways Road), Chennai - 600 028.
2. A.A. Samy
S/o. Aiyapillai, 93, A/2a, Kanthan Colony,
2nd Street, 3rd Mile Stone, Tuticorin District -
628 008.



..Respondent(s)

WP(MD) No. 19764 of 2022

R. Thirumalai (m/60)

S/o. Ramasamy, Deputy Superintendent Of Police,
Crime Branch, Ramanathapuram District.

..Petitioner(s)

Vs

1. The Chairman, State Human Rights
Commission, Tamil Nadu No. 143, P.S.
Kumarasamy Raja Salai (greenways Road),
Chennai - 600 028.
2. A.A. Samy
S/o. Aiyapillai, 93, A/2a, Kanthan Colony,
2nd Street, 3rd Mile Stone, Tuticorin District -
628 008.

..Respondent(s)

Prayer: These Writ Petitions are filed to issue a Writ of Certiorari, to call for the records, relating to the order passed by the 1st respondent in his proceedings in SHRC Case No.7346/201,8 dated 02.03.2022 and to quash the same as illegal.

For Petitioner(s): R.Karthikeyan-WP.Nos.9610 and 12503 of 2022
Mr.J.Jeyakumaran-WP(MD)Nos.17169 of 2024
and 19764 of 2022

For Respondent(s): M/s. S.Udaya Kumar-R1- WP.Nos.9610 and 12503
of 2022, WP(MD).No.19764 of 2022

Mr. V.Ravi, Spl.Gp.-R2-WP.Nos.9610 and 12503
of 2022

Ms.M.Sreela-R3-WP.Nos.9610 and 12503 of 2022
and R2 (WP(MD)No.17169 of 2024).

Mr.Q.Karunanidhi-R1-WP(MD)No.17169 of 2024,



Order

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

1. This batch of Writ Petitions are directed, against the order, dated 02.03.2022, passed by the 1st Respondent, namely, the Tamil Nadu State Human Rights Commission, in SHRC.No.7346 of 2018.
2. The facts of the case are that on 03.09.2018, while one Miss.Loïs Sofia, D/o.A.A.Samy, was travelling in an Indigo Flight from Chennai to Tuticorin, while alighting on arrival of the flight at Tuticorin Airport, had raised a slogan, on seeing Dr.Tamizhisai Soundararajan, the State President of BJP, namely, “பாஸிஸ் பா.ஜ.க. ஆட்சி ஒழிக”, The said State President of BJP had asked her whether it is proper to shout like this, for which, she retorted that she has a right to speak and therefore, she will shout. This has led to a complaint by the said State President of BJP to the Airport Authority of India, which reads as below:-

“AIRPORTS AUTHORITY OF INDIA Date:03.09.2018. AA1/TK/Admin-107/ To the Inspector of Police, Pudukottai Police Station, Pudukottai, Tuticorin 628103. Sub: Forwarding of complaint Letter dated 03.09.2018 received from Smt.Thamizhisai Soundararajan, BJP President Tamil Nadu-Reg. Sir, Please find attached the original complaint letter dated 03.09.2018, received from Smt.Thamizhisai Soundararajan, BJP President, Tamil Nadu, against a girl passenger who was shouting while the indigo flight from Chennai landing at Tuticorin airport. In this regard it is requested to take necessary action. Yours sincerely (sale deed) xxx (N.Subramanian) Airport Director. Encl: As above. From, Dr.Thamizhisai Soundararajan, State President, Tamil Nadu BJP. To, The Airport Director, Thoothukudi Airport, Respected Sir, I was travelled by Indigo Flight 6E 7185 when the flight landed in



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Thoothukudi. A passenger a young girl shouted as "பாஸிஸ் பா.ஜ.க. ஆட்சி ஒழிக" I kept quiet in the flight and when I reached the wontly areas when asked is't correct to shout. She arrogantly said I have the right to speak hence I will shout. I suspect her back ground. Kindly enquire and take action. Yours Sincerely (sale deed) xxx Thamizhisai Soundararajan 12.15 p.m. 3/9/2018. forward to Airport Director. (sale deed) xxSubramanian. The complaint is being forwarded to Police Station for further necessary action (sale deed) xx F.Jeyaraman. (1) APSU Incharge (2) Sh.Vipn AM (ATM)/CSD."

3. The said complaint has been forwarded to the local jurisdictional police and the same has been registered in Cr.No.285 of 2018 for the alleged offences under Sections 290, 75(1)(c) and 505(1)(b) of IPC. The said Lois Sofia was arrested and later, released on bail. Alleging that the arrest of the said Lois Sofia is illegal and in violation of human rights, a complaint had been filed by the father of the said Lois Sofia, before the 1st Respondent, the Tamil Nadu State Human Rights Commission, against the Inspectors of Police and Sub Inspector of Police, Pudukottai Police Station, Thoothukudi and the Additional Superintendent of Police, Head Quarters, Thoothukudi and the Deputy Superintendent of Police, Thoothukudi Town Sub Division and the Inspector of Police, Special Branch CID, Chennai and the Sub Inspector of Police, Special Branch CID, Tuticorin.

4. The Tamil Nadu State Human Rights Commission, after perusing the records, has, firstly, pointed out that there is a discrepancy in respect of the time of arrest and secondly, Section 505(1)(b) of IPC has been inserted by hand in the printed First Information Report, which was inserted only to make the



offence non-bailable and to detain his daughter. Ultimately, by the order, dated 02.03.2022, the Tamil Nadu State Human Right Commission has given a recommendation to the Government, as below:-

“43. In the result, this Commission recommended as follows:-

(i) The Government of Tamil Nadu shall pay a compensation of Rs.2,00,000/- (Rupees Two Lakhs Only) to the PW.2 Lois Sophia D/o.Dr.A.A.Samy, No.93, A/2A, Kanthan Colony Second Street, 3rd Mile Stone, Thoothukudi, within one month from the date of receipt of a copy of this Recommendation and the Government of Tamil Nadu may recover Rs.50,000/- from the 1st Respondent and Rs.25,000/- each from the Respondents 2 to 7 (Rs.25000x6=Rs.1,50,000) as per the Rules.

(ii) This Commission also recommends to initiate disciplinary action against the Respondents as per the Rules.

(iii) This Commission further recommends to give suitable instruction to the Director General of Police, Tamil Nadu, to comply with the direction given by the Honourable Supreme Court of India in Arnesh Kumar Vs. State of Bihar Case that the accused should not be arrested by the police mechanically where the offence is punishable with imprisonment for a term which may less than seven years or which may extend to seven years; whether with or without fine.”

5. Challenging the said order of the Tamil Nadu State Human Rights Commission, R.THirumalai (WP.No.19764 of 2022), A.K.Latha (WP(MD)No.17169 of 2024), V.Ponramu, and R.Prakash, (WP.No.9610 of 2022), G.Baskaran and S.Nambirajan, (WP.No.12503 of 2022), who are the Respondents 1, 2, 3, 4, 6 and 7 before the State Human Rights Commission, respectively, are before this Court.

6. According to the learned counsel for the Writ Petitioners, the allegation, as



found in the complaint given by Dr.Thamizhisai Soundararajan, was not only for raising slogan in an intimidating manner, but also the complainant has suspicion about the back ground of the accused, Lois Sofia, since the behaviour was very abnormal and arrogant. This prompted the complainant to lodge the complaint, which was lodged at 12.15 Hours before the Airport Authority of India, which was forwarded to the local police, which they received at 14.00 Hours and proceeded. The detention of the accused, Lois Sofia is not an arrest and the arrest was made, only after registering the complaint and being prima facie satisfied about the veracity of the complaint. Therefore, the Tamil Nadu State Human Rights Commission ought not to have passed the impugned order, suspecting the discrepancy in the time of arrest.

7. Further, the learned counsel for the Writ Petitioners submitted that Section 505(1)(b) of IPC was added by hand, only with an intention to make the offence non-bailable, but, the nature of the complaint in the light of the incident, had prompted the Police Officials to include Section 505(1)(b) of IPC and prima facie satisfaction cannot be, at any stretch of imagination, drawn as violation of human rights.

8. The learned counsel for the 3rd Respondent has submitted that the Tamil Nadu State Human Rights Commission has taken note of these defects at length and the same has been discussed in paragraph 16 of the impugned order, in so far as the discrepancy in the time of arrest is concerned and in



paragraph 19, regarding the mala fide intention of adding Section 505(1)(b) of IPC.

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9. It is the case of the 3rd Respondent that unless and otherwise the Superior Officer has given instructions to the Respondents 1 and 2 to insert the said Section, this should not have happened and that is why the Tamil Nadu State Human Rights Commission has arrived at the conclusion that there is violation of human rights, which required to be compensated.

10. We, having given anxious consideration to the rival submissions of the learned counsel on either side, are able to visualize that the complainant, Dr. Thamizhisai Soundararajan, the State President of BJP got annoyed of being confronted with a young girl, shouting madly and even after the polite enquiry with her, she had asserted her right to shout in the Airport on seeing a person, who is not of her liking or a person, who belongs to a Party, which has a different ideology. The Police Officials, who are supposed to maintain the law and order, while registering the First Information Report, had taken spot decisions, which cannot be faulted.

11. It is well settled that the First Information Report is not an encyclopaedia of the crime. The content of the complaint should cite the scene of occurrence and the person, who alleged to have committed the crime. These facts provide prima facie material for a Police Officer, while registering the First Information Report. It is only in the course of investigation, further truth about the complaint and the conduct of the suspect will come to light. The



Tamil Nadu State Human Rights Commission has stretched its imagination beyond the facts and records placed before it and had inferred that the inclusion of Section 505(1)(b) of IPC was done at the instance of the Higher Officials.

12. Further, the minor discrepancy, even if it is there in the documentation, is a matter of trial and for the Magistrate to decide. It is not for the Human Rights Commission to preclude the issue. Ignoring its limits, the Human Rights Commission had conducted a parallel trial. The finding rendered by the Human Rights Commission, regarding the merits of the complaint is per se illegal. Therefore, we hold that the impugned order passed by the Tamil Nadu Human Rights Commission is liable to be quashed.

13. In the result, these Writ Petitions are allowed, as prayed for. There is no order as to costs. No costs. Consequently, the connected WMPs are closed.

(G.J.,J.) (S.S.A.,J.)
04-03-2026

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

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**DR.G.JAYACHANDRAN J.
AND
SHAMIM AHMED J.**

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To

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