



WEB COPY

W.P.No. 16227 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2026

CORAM:

THE HONOURABLE DR. JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER
KUMAR

W.P.No. 16227 of 2018
and W.M.P.No. 19335 of 2018

Devika Rani

.. Petitioner

VS

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 6000009.

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

3.V.M.Baskar

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records relating to the order of the recommendation of the 2nd respondent in SHRC No. 7446 of 2012 dated 14.02.2018 and quash the same as far as the petitioner is concerned.

For Petitioner : Mr.P.Ashwin Kumar
for Mr.A.Sakthivel



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For Respondents : Mr.V.Ravi
Special Government Pleader
for R1
Mr.Arun Anbumani for R2
No appearance for R3

ORDER

(Made by Dr. ANITA SUMANTH, J.)

The challenge in this writ petition is to an order dated 14.2.2018 of the Tamil Nadu State Human Rights Commission (Commission/R2).

2. Vide an order dated 14.2.2018, the Commission had accepted the complaint filed by R3 holding that the petitioner had violated his human rights. Ultimately, they awarded compensation of a sum of Rs.30,000/- to be paid by R1/Government of Tamil Nadu and recovered from the petitioner. Hence this writ petition.

3. We have heard Mr.Ashwin, for the petitioner, Mr.V.Ravi, learned SGP for R1 and Mr.Arun Anbumani, for R2. No appearance for R3 despite service being complete and description being printed in the cause list.

4. The complaint by R3 was to the effect that he was married in 2008 and proceedings were pending before the Family Court as there were difficulties encountered by the couple in the marriage. The wife of R3 filed a complaint on 10.05.2012 before the All Womens Police Station



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(AWPS), Dharmapuri, wherein, the petitioner was the Inspector of Police.

A criminal case had come to be registered in Cr.No. 14 of 2002 under Section 498A and 406 IPC, Section 3 of the Dowry Prohibition Act and Section 4 of Tamil Nadu Prohibition Harassment of Women Act on 12.5.2012.

5. The brother of R3, one Balasubramanian, had been arrested and remanded to judicial custody. The complainant obtained conditional bail and reported on 2.6.2012 to the AWPS. R3 alleged that the petitioner had demanded a bribe of Rs.50,000/- which he refused to pay. She then called his wife and family and demanded that R3 take back the wife and child. However, as matters were pending before the Family Court, R3 refused. Thereafter, her behaviour changed and she both threatened him using unparliamentary words and slapped him. Deeply aggrieved by the violation of his human rights, the petitioner filed a complaint before the Commission.

6. We find that the Commission, in the order under appeal, has taken note of the facts in extenso. The Commission has been guided by the decision of this Court in CrI.O.P.No. 19896 of 2008 and M.P.No. 1 of 2008 dated 04.08.2008, involving a crime under Section 498A of the IPC. The Court had issued directions for the procedure for conduct of cases involving a crime under Section 498A and a Memo dated 29.07.2008,



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was issued by the Director General of Police in consultation with the Government that reads as follows:-

“i) Except in cases of Dowry Death/suicide and offences of serious nature, the Station House Officers of the All Women Police Stations are to register F.I.R. only on approval of the Dowry Prohibition Officer concerned.

ii) Social workers/mediators with experience may be nominated and housed in the same premises of All Women Police Stations along with Dowry Prohibition Officers.

iii) Arrest in matrimonial disputes, in particular arrest of aged, infirm, sick persons and minors, shall not be made by the Station House Officers of the All Women Police Stations.

iv) If arrest is necessary during investigation, sanction must be obtained from the Superintendent of Police concerned by forwarding the reasons recorded in writing.

v) Arrest can be made after filing of the final report before the Magistrate concerned if there is non-cooperation and abscondance of accused persons, and after receipt of appropriate order (Non-Bailable Warrant).

vi) Charge sheet must be filed within a period of 30 days from the date of registration of the F.I.R. and in case of failure, extension of time shall be sought for from the jurisdiction Magistrate indicating the reasons for the failure.

vii) No weapon including Lathis/physical force be used while handling cases at the All Women Police Stations.

viii) Complainants/victims should be provided with adequate security/accommodation at Government Home and interest of the children must be taken care of.

ix) Sridana properties/movables and immovable to be restored at the earliest to the victims/complainants and legal aid may be arranged for them through Legal Services Authority for immediate redressal of their grievances.”



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7. Paragraph (I) of the Memo requires the police officer to obtain approval from the Dowry Prohibition Officer, prior to registration of FIRs. In this case, we find that the FIR had admittedly been registered on the same date as filing of complaint and sans approval of the Dowry Prohibition Officer. This is the first violation.

8. Secondly, arrest during the investigation can be made only after prior sanction is obtained from the Superintendent of Police by forwarding reasons recorded in writing. Admittedly, in this case, no prior sanction has been obtained and no reasons have been recorded in regard to the necessity for such arrest. The arrest of the brother of R3 would constitute the second violation.

9. In such circumstances and since learned counsel for petitioner is unable to controvert the aforesaid factual position, we find that there is no error in the order of the Commission and confirm the same.

10. This writ petition is dismissed. No costs. Connected miscellaneous petition is closed.

[A.S.M, J.] [M.S.K, J.]
09.02.2026

Index:Yes
Neutral Citation:Yes
ssm



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To

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- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai – 600 009.
- 2.The Member,
State Human Rights Commission,
Greenways Road,
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