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WP No. 31974 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-03-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

WP No. 31974 of 2022

and

WMP No.31413 of 2022

K.Silaimani
Then sub - Inspctor of Police,
S.P Pattinam Police station,
Ramanathapuram District
(Presently Serving as
Inspector of Police,
Uthamapalayam Police Station,
Theni District)

..Petitioner(s)

Vs

1. The State Human Rights Commission,
Represented by its Registrar 143 P.S.
Kumarasamy Raja Salai
(Greenways Road)
Rajaj Anamalai puram,
Chennai 600 028, Tamil Nadu

2. N. Sivanraj
Advocate S/o. nagaraj
No. 14 / M7, Anna Nagar,
Kovipatti 628 501 Thoothukudi district

..Respondent(s)



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This writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the entire records pertaining to the order dated 20.10.2022 in SHRC Case No. 9375 of 2018 passed by the Tamilnadu State Human Rights commission, Chennai the 1st Respondent herein and quash the same

For Petitioner(s): Mr. K.Prabakar

ORDER

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

The writ petition is filed challenging the order of the State Human Rights Commission, passed in SHRC Case No.9375 of 2018 dated 20.10.2022.

2. The sum and substance of the case in hand is as follows:-

The writ petitioner, K.Silaimani, then Sub Inspector of Police, attached to S.P.Pattinam Police Station, Ramanathapuram District, alleged to have misbehaved with the complainant, N.Sivanraj.

3. In the complaint, it is stated that the writ petitioner, is a police Sub Inspector, used to have a lavish life, by earning illegal money and violating the



human rights. One such incident is in respect of the complainant, a practising lawyer and his senior, while travelling in the car to attend a funeral on 27.08.2018 at about 8.30 a.m., were intercepted by team of police personnel for checking the vehicle. When the complainant was interrogated as to produce the vehicle documents and licence, it was promptly produced by him. However, the Sub Inspector of Police, who was standing little away from the place, gave instruction to the constable to get Rs.2000/- as bribe to clear the vehicle and thereafter, when that was questioned, there was wordy altercation and also allegation of physical assault. The further case of the complainant is that thereafter the relative of his senior was called to the place, who came in the two wheeler and after getting bribe of Rs.2000/- , receipt of Rs.100/- was issued as if there was violation of traffic rules for pillion riding in a two wheeler bearing registration No.TN 65 K6189.

4. The writ petitioner has contested the petition before the Human Rights Commission, stating that it is a false complaint given with motive. He has also produced documents to substantiate his defence and on the date of alleged incident, he was on duty in the police station, and not an vehicle check up duty. That apart, he has taken out an application for production of records from the police station for perusal and verify the fact that fine for traffic rules violation



was collected on 26.08.2018 and not on 28.08.2018 as falsely alleged in the complaint.

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5. The Human Rights Commission, after perusing the records and the contention of the parties, has framed the following points for consideration :-

1. Whether the respondent violated the human rights of the petitioner?
2. If so, what compensation the petitioner is entitled to ?

6. After examining the complainant and four witnesses on the side of the writ petitioner, the Human Rights Commission has concluded with the following recommendation:-

a) The Additional Chief Secretary to Government, Home, Department, Secretariat, Chennai shall pay a compensation of Rs.1,00,000/-(Rupees One Lakh only) to the complainant Thiru N.Sivanraj, son of Nagaraj residing at No.14/M-7, Anna Nagar, Kovilpatti, Thoothukudi District within 4 weeks from the date of receipt of this order.

b) After making such payment the Additional Chief Secretary to Government, Home Department, Secretariat, Chennai, may recover a sum of



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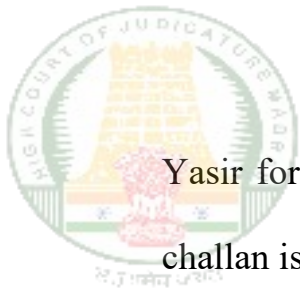
Rs.1,00,000/- (Rupees One Lakh only) from the respondent, as per rules.

c) The Additional Chief Secretary to Government, Home Department, Government of Tamil Nadu May take disciplinary action against the respondent.

7. Being aggrieved, the present writ petition is filed seeking Writ of Certiorari to quash the order of the Human Rights Commission passed on 20.10.2022.

8. Notice to the respondents was served through Court, but no representation on behalf of the respondents.

9. The learned counsel appearing for the petitioner placed two points for consideration. One, the records maintained at the police station would clearly indicate that on the alleged date of occurrence, i.e., on 28.08.2018, the writ petitioner was on duty in the station and he was not engaged in any traffic vehicle check, as alleged in the complaint. To substantiate the same, the FIR registered by him in Crime No. 62 of 2018 in connection with unnatural death is produced and relied upon. That apart, he also relies upon the Traffic Challan dated 26.08.2018, wherein fine of Rs.100/- being slapped to one Mohammed



Yasir for pillion riding of vehicle bearing Registration No.TN65K6189. This challan issued on 26.08.2018 at 9.30 a.m by one Palsamy, S.I. of Police.

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10. According to the learned counsel, it is this receipt alleged to have been issued by the writ petitioner after collecting bribe of Rs.2000/- on 28.08.2018. The said Mohammed Yasir, the rider of the two wheeler not examined. The senior of the complainant, referred in the complaint not examined. The records maintained in the police station would clearly shows that the incident of imposing fine of Rs.100/- to one Mohammed Yasir was by the Sub Inspector of Police, by name, Palsamy and his signature is very well found and legible in the notice. Further, the Rs.100/- fine collected from Mohammed Yasir been remitted in the Tressury on 27.08.2018 itself, as per the statement maintained in the station with form part of the record. These two vital documents are legible and would clearly show that there is no proximity with the alleged imposing fine of Rs.100/- on 26.08.2018 and the alleged incident of human rights on 28.08.2018. While so, the Human Rights Commission despite production of records from the police station had perversely observed that the records are not legible.

11. We gave our anxious consideration to the above submission.



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12. On perusing the records, we find that the complaint by second respondent, Sivanraj, is in respect of incident alleged to have been occurred on 28.08.2018. The specific allegation in the complaint is that after collecting Rs.2000, challan for Rs.100/- issued by the writ petitioner as if there was traffic violation in pillion drive of the two wheeler bearing registration No.TN65 K 6189 and when this was questioned, there was violation of Human Rights.

13. As pointed out by the learned counsel appearing for the writ petitioner, neither the complainant nor the Human Rights Commission has thought fit to examine the rider of the two wheeler, by name, Mohammed Yasir nor to examine the senior of the complainant, whom according to the complainant was also humiliated by the police. That apart, the records, particularly, the Traffic Challan, dated 26.08.2018 issued by one Palsamy, Sub-Inspector of Police and the FIR in Crime No.62/2018 registered in respect of a traffic accident under Section 174 Cr.P.C. registered by the writ petitioner would clearly show that the incident of imposing fine for traffic violation by a two wheeler rider Mohammed Yasir on 26.08.2018 and the incident alleged to have been happened on 28.08.2018 has no proximity.



14. Secondly, the probability of the writ petitioner, being in station on 28.08.2018, is substantiated through the FIR copy registered in Crime No.62 of 2018 of S.P.Pattinam Police Station by the writ petitioner, which is at 9.00 a.m.

15. The non-examination of vital witnesses and non scrutiny of the two vital documents renders the findings of the Human Rights Commission in SHRC case No.9375 of 2018 dated 20.10.2022 perverse and lack of application of mind, besides improper appreciation of evidence. Hence, we are constrained to interfere in the order of the Human Rights Commission.

16. Accordingly, the same is quashed. Consequently, writ petition allowed. No order as to costs. Connected miscellaneous petition is closed.

(G.J.,J.) (S.S.A.,J.)

02-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MRP



To

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The Registrar,
The State Human Rights Commission,
143, P.S. Kumarasamy Raja Salai
(Greenways Road) Rajaj Anamalai puram
Chennai 600 028



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