



Review Application (Writ) Nos.289 & 299 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Review Appln.(Writ) Nos.289 & 299 of 2025

Rev.Aplw No.289 of 2025

B.Kumar

...Petitioner

Vs.

1.D.Jayaprakash Narayanan

2.The State of Tamil Nadu,
Principal Secretary to Government,
Home (Police-HR) Department,
Secretariate, Fort St.George,
Chennai-600009.

3.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600004.

.. Respondents

Prayer: Review Application filed under Order 47 Rule 1 Read with Section 114 of Civil Procedure Code to review the order passed in W.P.No.21946 of 2023 dated 28.10.2025.



Review Application (Writ) Nos.289 & 299 of 2025

Rev.Aplw No.299 of 2025

1.The State of Tamil Nadu
Represented by its Principal Secretary to Government
Home (Police-HR) Department
Secretariat, Fort St.George
Chennai-9.

2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

...Petitioners

Vs.

D.Jayaprakash Narayanan

.. Respondent

Prayer: Review Application filed under Order 47 Rule 1 Read with Section 114 of Civil Procedure Code to allow this Review Application and set aside the order dated 28.10.2025 in W.P.No.21946 of 2023 insofar as it directs further disciplinary and criminal action against the Police officials: Record that, as per the Government's Status Report, the recommendations of the Tamil Nadu State Human Rights Commission dated 16.09.2019 have already been complied with, and that no further action is required against the police officials.



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For petitioner (s) : Mr.B.Vijay

For Respondent (s) : No Appearance for R-1

Mr.A.Gokulakrishnan,
Addl. Public Prosecutor for RR-2 & 3

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For petitioner (s) : Mr.A.Gokulakrishnan,
Addl. Public Prosecutor

For Respondent (s) : No Appearance

COMMON ORDER

In view of the commonality of issue involved, this Court proposes to consider and decide these Review Applications by way of this Common order.

2. The above Review Applications have been filed seeking to review the order dated 28.10.2025 passed by this Court in W.P.No.21946 of 2023 and to set aside the same insofar as the direction with regard to taking disciplinary and criminal action against the retired erred officials as per the recommendations of the Tamil Nadu State Human Rights Commission dated 16.09.2019.



3. The petitioner in Review Application No.299 of 2025 is not a party in W.P.No.21946 of 2023. It is the case of the Review Petitioners that one Dhasarathan, herein drove the two wheeler in a rash and negligent manner and attempted to assault the police authorities for intercepting his vehicle. Subsequently, his brother the 1st respondent reached the spot and assaulted one Ramalingam, Head Constable, B.Kumar Sub-Inspector of Police and other police officials with an intent to cause serious injuries thereby the Inspector of Police, Villupuram Police Station, Villupuram District, registered an FIR against the 1st respondent and his brother Dhasarathan in Crime No.667 of 2008 for the alleged offences under sections 324, 294(b), 323 & 307 of IPC on 23.11.2008. Pursuant thereto, the accused were arrested and remanded to judicial custody on 24.11.2008.

4. In the meanwhile, the 1st respondent herein filed a complaint before the State Human Rights Commission seeking compensation for the alleged Human Rights Violation by the said Ramalingasamy, B.Kumar and 20 other Policemen of Villupuram Town Police Station alleging that they had assaulted him, pursuant to which, a case was registered in Crime No.70 of 2003 for the offences under Sections 147, 323, 325, 394 (b) of I.P.C and



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Section 3(1)(x) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. Thereafter, the Deputy Superintendent of Police conducted an investigation and filed a Closure Report treating a case in Crime No.70 of 2003 as 'Mistake of Fact'. However, in the meanwhile, State Human Rights Commission, without the knowledge of the said closure report, after a detailed enquiry, passed an order dated 16.09.2019, for payment of compensation of Rs.5,00,000/- to the 1st respondent to be recovered from the Police personnels namely Ramalingam, B.Kumar and Mani with a recommendation to the Government of Tamil Nadu to give instructions to the Director General of Police, Tamil Nadu for taking necessary criminal action against the erred police officials.

5. Challenging the said recommendations made by the State Human Rights Commission, the aggrieved persons filed Writ Petitions in W.P.Nos.5515 & 5516 of 2020, wherein, this Court, by its order dated 30.10.2023 and the said petitions were dismissed confirming the findings of the State Human Rights Commission. In the meanwhile, the 1st respondent preferred Crl.O.P.Nos.5887 & 4505 of 2016 challenging the closure report of the Deputy Superintendent of Police which petitions were dismissed by



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order dated 03.11.2020 with liberty to the 1st respondent to file a protest application before the court concerned. Accordingly, 1st respondent filed a protest application in Crl.M.P.No.1957 of 2022 challenging the closure report dated 30.07.2009 however, the same was dismissed on 31.12.2024.

6. Based on the recommendations of the Human Rights Commission, the Government had issued the G.O.(D).No.289 dated 13.03.2023 however, the 1st respondent/ Writ Petitioner, without disclosing the closure report of a Criminal Case, filed a Writ Petition in W.P.No.21946 of 2023 before this Court seeking implementation of the aforesaid G.O wherein, this Court, by its order dated 28.10.2025, directed the respondents to take disciplinary action against the retired erred officials. Aggrieved by which, the present Review Applications have been filed.

7. Learned counsel appearing for the review petitioners submitted that even prior to the passing of G.O.(D).No.289 dated 13.03.2023, a criminal case was registered against the review petitioner viz., B.Kumar and after conducting an investigation, the said case was closed as 'Mistake of Fact' by the then Deputy Superintendent Police and the said closure report was also upheld by this Court in Crl.O.P.Nos.5887 & 4503 of 2015 holding that for



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the very same issue, another registration is not necessary. It was further submitted that the G.O.(D).No.289 dated 13.03.2023 which was upheld by this Court has nothing to do with the present case and that though the Director General of Police had forwarded a letter dated 01.03.2024 to the Government narrating the above facts, the 1st respondent herein, without disclosing the said closure report, had filed a Writ Petition before this Court in W.P.No.21946 of 2023 and obtained an order to register a criminal case against the Review Petitioner B.Kumar, which is wholly unsustainable and accordingly prayed for appropriate orders.

8. The facts in the present case are not in dispute. Considering the fact that the aforesaid Government Order has already been upheld by this Court in the earlier writ proceedings to which, the petitioner in Review Application No.289 of 2025 was not a party, this Court holds that these review applications are not maintainable and are liable to be dismissed. If at all the review petitioners have any grievance, the proper course open to them would be to pursue their remedy either by filing an appeal or by seeking modification of the said Government Order.



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M.DHANDAPANI, J.

NHS

9. In the light of the above, this Court, without expressing any opinion on the merits of the case, extends the interim order which was already granted by this Court, for a further period of ten weeks from the date of this order so as to enable the petitioners to workout their remedy in the manner known to law.

10. In the result, the Review Applications are dismissed.

23.02.2026

Index : Yes / No

Internet : Yes / No

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