



W.P.(MD)No.15402 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.02.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

W.P(MD)No.15402 of 2021

Sivakumar

... Petitioner

Vs.

1.The State Human Rights Commission, Tamilnadu,
Rep. by its Assistant Registrar (Law),
Thiruvarangam,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai - 600 028.

2.The Principal Secretary to Government
Home, Prohibition And Excise Department
Secretariat, Chennai – 600 009.

3.The Director General of Police,
Post Box No.601,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in SHRC Case No.10976 of



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2018 and 2479 of 2019 dated 18.06.2021 on the file of respondent No.1

and quash the same as illegal within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy, Senior Counsel,
For Mr.S.Rajasekar.

For Respondents : Mr.S.Shaji Bino,
Spl. Government Pleader for R2 & R3.
Mr.R.Karunanidhi for R1

ORDER
(By G.R.SWAMINATHAN, J.)

The petitioner herein challenges the order dated 18.06.2021 passed by the State Human Rights Commission, Tamil Nadu at the instance of one Balasubramanian in SHRC No.10976 of 2018 and SHRC No.2479 of 2019. The complainant is a practicing lawyer. He lodged complaint against one Karthick and others. The complaint was registered as Crime No.700 of 2018. Later, it was closed as mistake of fact. This was portrayed as the violation of the complainant's human rights and taken before the State Human Rights Commission. The State Human Rights Commission found merit in this allegation and passed the following order:-



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“33. In the result, this Commission recommends as follows:-

The Government of Tamil Nadu shall pay a compensation of Rs.50,000/- (Rupees Fifty Thousand only) to the Complainant in SHRC No.2479/2019 Thiru S.R.Balasubramanian, Advocate, residing at No.1-1-20A, Kottampatti Main Road, Natham Town, Dindigul District within one month from the date of receipt of a copy of this Recommendation and the Government of Tamil Nadu may recover Rs.20,000/- each from the Respondents 1 & 2 and Rs.10,000/- from the 4th Respondent in SHRC No.2479/2019. The complaint in SHRC No.2479/2019 against the Respondents 3 & 5 is dismissed.

(ii) This Commission also recommends to initiate disciplinary action against the Respondents 1, 2 & 4 in SHRC No.2479/2019 as per the Rules.”

2.Vide order dated 06.02.2026 in W.P.(MD)No.5028 of 2022, we had held as follows:-

“4.The only question that calls for consideration is whether the aforesaid lapse attributed to the State Police can be said to constitute a human rights violation. Section 2(d) of the Protection of Human Rights Act, 1993 defines “Human Rights” as follows:

“2(d) “Human Rights” means the rights relating to



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life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India”

The definition can be parsed as follows :

(a) The rights must relate to life, liberty, equality and dignity of the individual

(b) They must be guaranteed by the Constitution, or embodied in the International Covenants

(c) They must be enforceable by courts in India.

Section 2(f) defines “International Covenants” as follows :

“International Covenants” means the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted by the General Assembly of the United Nations on the 16th December, 1966 and such other Covenant or Convention adopted by the General Assembly of the United Nations as the Central Government may, by notification, specify;”

Rights are interests which are recognised and protected by law. It means that which a man is entitled to have or to do, or to receive from others within the limits prescribed by law. There are several kinds of rights. They may have their origin in different branches of law. There are contractual rights, labour rights, tortious rights, civil rights etc., Not all rights of humans qualify as human rights. The expression “human right” has a technical



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connotation. It must fall within the broad sweep of the definition set out in Section 2(d) of the Protection of Human Rights Act, 1993. As already noted, the rights should not only pertain to one of the categories set out in the provision but also be either guaranteed by the Constitution or embodied in the International Covenants and enforceable by Indian courts. Unless the right in question can be termed as a human right, its violation cannot be taken cognizance by the Human Rights Commission.”

3. Closure of a criminal complaint or an FIR as a mistake of fact will not by any stretch of imagination qualify as a breach of one's human right. As the State Human Rights Commission does not have any jurisdiction in this regard, ought not to have entertained the complaint.

4. In this view of the matter, the impugned order is quashed and the writ petition is allowed. No costs.

(G.R.S. J.) & (R.K.M. J.)
16.02.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

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