



W.P(MD) No.17802 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 23.03.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.P(MD) No.17802 of 2023
&
W.M.P.(MD)No.14859 of 2023**

S.Velkani

... Petitioner

Vs.

1.Registrar (Law),
State Human Rights Commission,
Tamil Nadu,
Thiruvarangam,
No.143, P.S.Kumarasamy Raja Salai,
(Greenways Road)
Chennai-600 028.

2.The Principle Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

3.Mohamed Kaniyammal

... Respondents



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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 relating to the order dated 03.10.2022 passed in SHRC Case No. 2048 of 2019, on the file of the first respondent herein and to quash the same.

For Petitioner : Mrs.P.Jessi Jeeva Priya

For Respondents : Mr.T.Amjad Khan
Government Advocate
for R1 & 2

: Mr.S.M.A.Jinnah
for R3

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The writ petitioner challenges the order dated 03.10.2022 passed by the State Human Rights Commission, Tamil Nadu in SHRC No. 2048 of 2019. The said complaint was lodged by one Tmt.Mohamed Kaniyammal, / third respondent herein. Her case was that she had a private dispute with one Paramasivam regarding installation of CCTV.



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The petitioner herein was the jurisdictional Inspector of Police, (Gangaikondan Police Station, Tirunelveli district). The petitioner herein had registered criminal cases both against the third respondent herein as well as the said Paramasivam. While so, the third respondent herein had spread a defamatory imputation in social media that the petitioner herein had taken illegal gratification from the said Paramasivam and was supporting him. The petitioner, thereupon, lodged a complaint against the third respondent herein before the Tirunelveli Town Police Station and the same was registered as Crime No. 61 of 2019. Based on the said FIR, the third respondent herein was arrested by one Subbulakshmi, Inspector of Police, Pettai Police station on 21.02.2019. However, the jurisdictional magistrate declined to remand the third respondent herein.

3. According to the complainant, she was forcibly taken to the local police station and also physically assaulted. Her complaint was taken on file and after hearing the parties concerned, the Human Rights Commission vide order dated 3.10.2022 directed the Government of Tamil Nadu to pay compensation to the tune of Rs.1,00,000/- to the third respondent herein which was to be recovered from the writ petitioner's



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salary. It was also further recommended that disciplinary action should be taken against the petitioner herein. Aggrieved by the order of the State Human Rights Commission, this writ petition has been filed.

4. The learned counsel for the petitioner, on instructions, submitted that the petitioner had already deposited Rs.50,000/- to the credit of the State Human Rights Commission and that she would deposit the balance amount of Rs.50,000 within eight weeks from the date of receipt of a copy of this order. She has no objection for the complainant to withdraw the said amount. The only request made by the petitioner was that the direction to initiate disciplinary action against the petition may be set aside.

5. The learned counsel appearing for the complainant submitted that the order of the State Human Rights Commission deserves to be sustained in toto.

6. The Police Department had filed a status report on behalf of the Government and they supported the impugned order passed by the Commission.



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7. We carefully went through the entire materials on record. Since the petitioner was the complainant in Crime No.61 of 2019, she ought not to have played any role in the investigation process at all. Unfortunately, the petitioner had accompanied Mrs.Subulakshmi, who was the IO in the said criminal case and went into the complainant's house. She was very much present when the third respondent herein was arrested. Fortunately, the jurisdictional magistrate refused remand and rightly set the accused at liberty. The magistrate, however, had noted that there was swelling on the shoulder of the third respondent herein. It is also seen that the third respondent herein had taken treatment in the Government hospital, Tirunelveli, for two days. These aspects had impelled the Human Rights Commission to award compensation.

8. We are of the view that the finding set out in the impugned order deserves to be confirmed. However, we are inclined to show some indulgence to the petitioner. This is for more than one reason. The writ petitioner had informed the Court that she would accept the order of this Court and would not mount any further challenge. She has also



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undertaken to deposit the balance amount of Rs.50,000/- and that she has no objection for the complainant to withdraw the same. The petitioner herein was the jurisdictional Inspector of Police. She had registered a criminal case both at the instance of the third respondent herein as well as at the instance of Paramasivam, with whom the complainant was at logger-heads. The petitioner was after all discharging her official duties. If the complainant was of the view that the writ petitioner was supporting the said Paramasivam, she must have taken recourse to legal measures alone. She had no right to launch an adverse campaign in the social media. The petitioner herein felt provoked. But then, her response was not appropriate. She also should have stopped with causing registration of FIR against the third respondent herein. Since we fault the conduct of the third respondent in launching a campaign in online mode, we are of the view that the writ petitioner's conduct was one of spontaneous reaction. The events happened seven years ago. Since the complainant had been vindicated and also suitably compensated, the writ petitioner can be spared the agony of facing disciplinary action.



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9. We therefore set aside Clause 2 of the order passed by the State Human Rights Commission. The Writ Petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (R.P., J.)
23.03.2026

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

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