



W.P.(MD)No.21603 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.06.2026

CORAM

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

**W.P.(MD)No.21603 of 2018
and
W.M.P.(MD)No.19510 of 2018**

D.Felix Suresh Peter

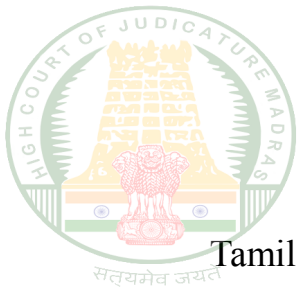
... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by the Additional Chief Secretary,
Home (Police-II) Department,
Fort.St.George, Chennai-9.
- 2.Tamilnadu State Human Rights Commission,
Rep. by its Registrar,
No.14, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai-28.
- 3.The Superintendent of Police,
Tirunelveli District.
- 4.S.Pugalendhi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent



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Tamil Nadu State Human Rights Commission in SHRC Case No.3024 of 2011, dated 14/09/2018 and quash the same.

For Petitioner : Mr.M.Saravanan

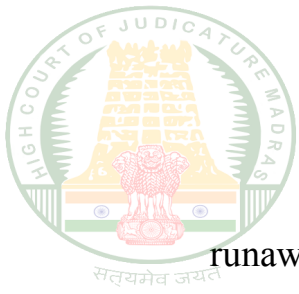
For Respondents : Mr.M.P.Senthil,
Govt. Advocate for R1.
Mr.M.Pozhilan,
For M/s.C.Arul Vadivel & Associates for R2
Mr.V.Sathurthi Raja,
Govt. Advocate (Crl. Side) for R3.
Mr.P.P.Alwin Balan for R4

ORDER

(Order of the Court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.The writ petitioner herein was working as a Inspector of Police in Kadayanallur Police Station in Thoothukudi District during the year 2011. 13.04.2011 was the date when the State assembly elections were held. The fourth respondent herein was working as a booth agent for the ADMK candidate. According to the writ petitioner, the fourth respondent herein was creating a ruckus in an inebriated condition. When the writ petitioner tried to restrain the fourth respondent, he is said to have



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runaway. Subsequently, the fourth respondent gave a complaint before the Human Rights Commission alleging that the writ petitioner herein had beaten him up and caused him injuries. The complaint was taken on file in SHRC No.3024 of 2011. Vide order dated 14.09.2018, the Human Rights Commission found the writ petitioner guilty and directed him to pay a sum of Rs.50,000 as compensation to the complainant. Challenging the said order, this writ petition has been filed.

3.It is relevant to note that four of the witnesses produced by the complainant after deposing before the Commission did not offer themselves for cross-examination. If a witness does not allow him to be subjected to cross-examination, the said testimony will have to be eschewed. Paragraph 13 of the impugned order of the Commission reads as follows:-

“13.However, it is seen from the evidence of PW1 to PW5 that he was assaulted by the Respondent and caused injury to him. Therefore, the Respondent in order to escape from the criminal liability issued such a memorandum to the Duty Medical Officer, Government Hospital and the same is also created by him and it was also proved by the report of the Superintendent of Police, Tirunelveli. The other medical records issued by the above said



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hospital was also perused in a careful manner and found that the Complainant took treatment in the hospital from 13.04.2011 to 19.04.2011. The Accident Register copy issued by the Medical Officer to the Complainant in O.P.No.70791 was also marked as Ex.P3. It is seen from this document that the Complainant alleged to have been hit by known-person by hand and shoe at 12.30 PM on 13.04.2011 at Krishnapuram and he sustained 5 injuries as stated by the Complainant in the complaint and proof affidavit.”

When the said witnesses have not offered themselves for cross examination, the Commission ought not to have placed reliance on their testimony. This seriously vitiates the impugned order. On this sole ground, it deserves to be set aside. Be that as it may, before this court, the complainant has stated that he does not want to contest the case. The impugned order is set aside and the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.P. J.)
02.06.2026

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

- 1.The Additional Chief Secretary,
Home (Police-II) Department,
Fort.St.George, Chennai-9.
- 2.The Superintendent of Police,
Tirunelveli District.



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