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W.P.No.17369 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	06.03.2025
Pronounced on	29.04.2025

Coram

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN**

THILAKAVADI

W.P.No.17369 of 2018

and

W.M.P.No.20630 of 2018

D.Selvakumari

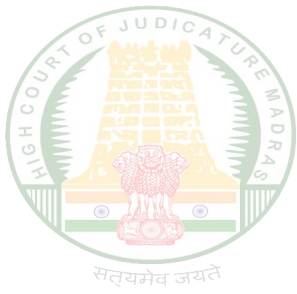
.. Petitioner

VS

1. The State Human Rights Commission Tamilnadu,
"Thiruvarangam",
No.143, P.S.Kumarasamy Raja Salai,
(Greenways Road),
Chennai-600 028.

2. R.Babu @ R.Seshadri

.. Respondents



W.P.No.17369 of 2018

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Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records of 1st respondent in S.H.R.C case No.7861/2013 dated 14.05.2018 and to quash.

For Petitioner : Mr.P.Arumugavel
For Respondents : M/s.S.Gajalakshmi for
Mr.K.V.Sajeev Kumar for R1
No appearance for R2

ORDER

K.GOVINDARAJAN THILAKAVADI,J.

The petitioner has preferred the instant writ petition challenging the order dated 14.05.2018 passed by the State Human Rights Commission in S.H.R.C case No.7861/2013.

2.The writ petitioner is a police official and respondent in the complaint preferred by the 2nd respondent before the State Human Rights Commission, i.e., the 1st respondent herein. The State Human Rights Commission held that the 2nd respondent was subjected to Human rights



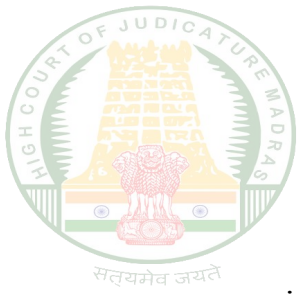
W.P.No.17369 of 2018

WEB COPY

violation by the writ petitioner without following the procedure laid down in law and passed the impugned order stating that the complainant is entitled to get a sum of Rs.2,00,000/- (Rupees Two Lakhs only) from the writ petitioner as compensation and recommended the Government to pay the said amount and to recover the same from the writ petitioner. The SHRC also recommended to initiate disciplinary action against the writ petitioner. Aggrieved by the same, the writ petitioner is before this Court challenging the order of SHRC in S.H.R.C case No.7861/2013 dated 14.05.2018.

Brief facts that are necessary for the disposal of this writ petition are as follows:

3.The Writ Petitioner while working as Inspector of Police, All Women Police Station, Ambattur, Chennai, the 2nd respondent's wife lodged a complaint on 26.08.2013 against her husband (2nd respondent herein) and his family members for harassing and giving life threat to her. After enquiry, the said complaint was taken on file vide C.S.R No.264/2013 and thereafter summons were issued to the 2nd respondent and his family members to appear before the petitioner for preliminary

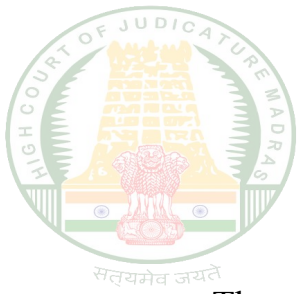


W.P.No.17369 of 2018

WEB COPY

enquiry on 30.09.2013. On enquiry, *prima facie* case was made out and therefore, the petitioner registered the FIR. As counter blast, the 2nd respondent/complainant lodged a complaint before SHRC alleging that he was subjected to human rights violation by the writ petitioner at the time of the said enquiry.

4.Mr.P.Arumugavel, learned counsel appearing for the petitioner submits that after receipt of summons the 2nd respondent and his family members appeared before the petitioner and enquiry was conducted. At the time of enquiry, the petitioner treated them with due respect and dignity. But the 2nd respondent and his family members threatened him to close the complaint. The petitioner did not heed to their threat and conducted the enquiry in a fair manner. Since *prima facie* an offence was made out from the complaint, the petitioner registered the First Information Report on 25.10.2013 in Cr.No.8/2013, on the file of All Women Police Station, Ambattur under sections 498A and 506(i) of I.P.C against the 2nd respondent and his family members. As a counter blast, on the very same day i.e., on 25.10.2013 vide S.H.R.C No. 7861/2013 the 2nd respondent herein lodged a complaint against the petitioner before the State Human Rights Commission i.e., the 1st respondent herein.



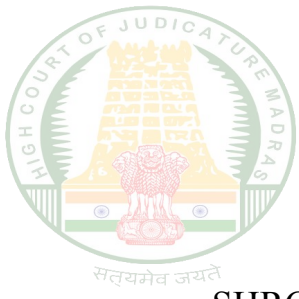
W.P.No.17369 of 2018

WEB COPY

Thereafter, enquiry was conducted by the 1st respondent and the impugned order was passed without proper appreciation of facts.

5.His further contention is that the complaint lodged by the 2nd respondent is very vague and subsequently the 2nd respondent and his wife got divorced and are living separately. Whereas, for no fault of the petitioner, she was imposed with the punishment by SHRC, the 1st respondent herein.

6.The petitioner's counsel also submits that a criminal case was registered in Cr.No. 8 of 2013, on the file of All Women Police Station, Ambattur, under sections 498A and 506(i) of I.P.C against the 2nd respondent for threatening his wife and the same was taken on file vide C.C.No.167 of 2014 by the learned Judicial Magistrate, Amabttur. The 1st respondent failed to take note of the above facts and passed the impugned order merely based on the vague and false statement of the 2nd respondent. The writ petitioner was punished for doing her lawful duty. The said complaint was only an afterthought in order to wreck vengeance against the writ petitioner for registering a criminal case against the complainant/2nd respondent. Therefore, the impugned order passed by the



W.P.No.17369 of 2018

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SHRC is arbitrary, without application of mind and the same is liable to be set aside.

7. *Per contra*, the learned counsel appearing for the 1st Respondent/SHRC submits that the wife of the 2nd respondent lodged a complaint before the All Women Police Station, Ambattur against her husband/2nd respondent and his family members in respect of matrimonial dispute. The petitioner under the pretext of inquiry violated the human rights of the 2nd Respondent and his family members. Hence the 2nd Respondent filed the complaint before the 1st respondent SHRC. The 1st respondent after due enquiry passed the impugned order which warrants no interference by this Court.

8. Heard the learned counsel appearing on either side and perused the materials available on record.

9. According to the writ petitioner, on 26.08.2013 a complaint was received by the petitioner from the wife of the 2nd respondent while she was working as Inspector of Police, All Women Police Station, Ambattur, Chennai. The said complaint was taken on record vide



W.P.No.17369 of 2018

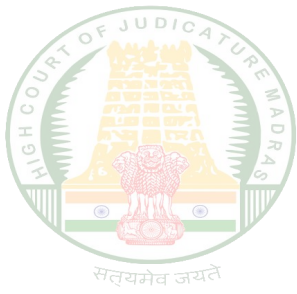
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C.S.R.No.264/2013 and summons were issued to the 2nd respondent and his family members for appearance on 30.09.2013 for a preliminary enquiry. On receipt of summons, the 2nd respondent and his family members appeared before the petitioner for enquiry and threatened the petitioner to close the complaint. But, the petitioner did not heed to their threat and based on the enquiry, the petitioner registered the FIR against the 2nd respondent. As a counter blast, the 2nd respondent lodged a complaint against the petitioner before the SHRC. The complainant/2nd respondent examined himself as P.W.1 and marked 14 documents on his side.

10. On the other hand, the petitioner examined herself as R.W.1 and marked 5 documents on her side.

11. The allegations putforth against the petitioner in the said complaint are as follows:

1.The complainant and his family members were not allowed to sit at the time of enquiry, despite the fact that the complainant was suffering ligament tear on his



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W.P.No.17369 of 2018

right leg.

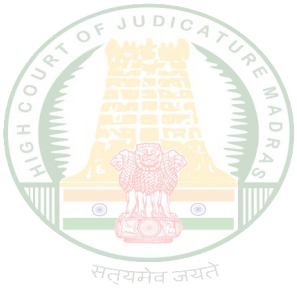
2.The petitioner used filthy languages against the complainant.

3. The complainant / 2nd respondent was repeatedly asked to appear before the petitioner for enquiry. However no enquiry was conducted for one year.

12.After enquiry, SHRC passed the following impugned order:

(i) The Government of Tamil Nadu shall pay a compensation of Rs.2,00,000/- (Rupees Two Lakhs only) to the Complainant Thiru R.Babu @ R.Seshadri S/o Ragunathan, 1119, Anna Nagar West End Colony, Near DAV School, Chennai-600 050 within two months from the date of receipt of a copy of this Recommendation and the Government of Tamil Nadu may recover the same from the Respondent.

(ii) This Commission is also recommends to initiate disciplinary action against the Respondent as



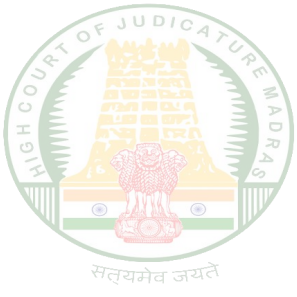
W.P.No.17369 of 2018

WEB COPY

per the Rules".

13. The complaint before SHRC by the 2nd respondent / Complainant was that the petitioner has committed Human Rights Violation against the 2nd respondent/complainant and his family members. Though in the said complaint it is mentioned that the family members of the complainant/2nd respondent accompanied him to the police station, none were examined to corroborate the statement given by the complainant/2nd respondent before the commission that he was subjected to violation of Human Rights. Moreover, no complaint was preferred by him to the superior police officer against the writ petitioner for the alleged act. Furthermore, in the cross examination the complainant/2nd respondent has stated that since his wife assaulted him in the police station he suffered pain on his right leg. The relevant portion of the cross examination of P.W.1 is extracted as hereunder:

விசாரணை முடிந்தபின் மாலை 5.15 மணியளவில்
காவல் நிலையத்தைவிட்டு புறப்பட்டோம். நல்லவிதமாக
போகிறோம் என்று கடிதம் எழுதிக் கொடுத்துவிட்டு
சென்றோம். (அவ்வாறு எழுதிக் கொடுக்கச்



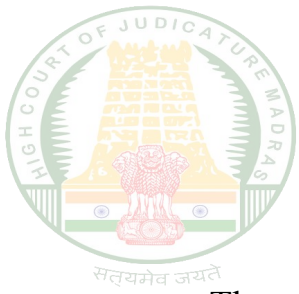
WEB COPY



W.P.No.17369 of 2018

சொன்னதால் எழுதிக்கொடுத்தோம் என்று சாட்சி
தாமாக விளக்கம் அளிக்கிறார்). காவல் நிலையத்தில்
வைத்து என் மனைவி என்னைத் தாக்கிய பிறகு
எனக்கு முன்பே இருந்த சாதாரண வலி மிகவும்
அதிகமாகி விட்டது. என்னால் தரையில் வலது
காலை வைக்க முடியாத அளவிற்கு வலி இருந்தது.
என்னை உறவினர்கள் கைத்தாங்கலாக அழைத்துச்
சென்றனர். 6.10.13 அன்று நான் தனியார்
மருத்துவமனையில் சிகிச்சைக்கு சேர்ந்ததற்கான
மருத்துவ ஆவணம் தான் எக்.பி.12 ஆகும். காவல்
நிலையத்திலிருந்து திரும்பிய பிறகு 6 நாட்கள்
கழித்து மருத்துவமனையில் சிகிச்சைக்குச் சேர்ந்தேன்.
9.10.13 அன்று சிகிச்சைக்குப் பிறகு
விடுவிக்கப்பட்டேன்.

Moreover, the petitioner during her examination has clearly stated that she offered a chair to the 2nd respondent/complainant at the time of enquiry. This fact was not rebutted during her cross examination.

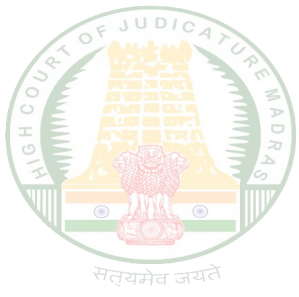


W.P.No.17369 of 2018

WEB COPY

Therefore, the allegations made in the complaint were not substantiated by any concrete evidence on the side of the complainant/2nd respondent.

14. Furthermore, the fact that the writ petitioner conducted enquiry for 8 months and did not file the final report will not amount to violation of Human Rights of the 2nd respondent/complainant. The Hon'ble Supreme Court in *Lalitha Kumari vs. Government of U.P and Ors* reported in **2014 (2) SCC 1** has held that with regard to family disputes, the Police Officers have to conduct preliminary enquiry before registering the FIR. Hence, the act of the petitioner conducting enquiry before registering the FIR cannot be said to be in violation of human rights of the 2nd respondent/complainant. Since the 2nd respondent/complainant failed to establish that the writ petitioner/Police Officer subjected him to harassment thereby violating the human rights of him, the recommendations made by the SHRC/1st respondent cannot be sustained. Therefore, the impugned order dated 14.05.2018 passed by the SHRC/1st respondent is liable to be set aside and accordingly, set aside and the Writ Petition is allowed. There is no order as to costs. Consequently, connected miscellaneous petition is closed.



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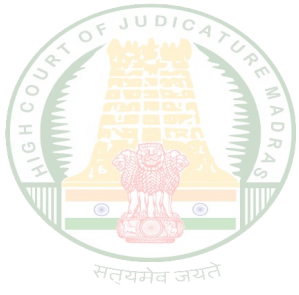
W.P.No.17369 of 2018

[M.S., J] [K.G.T., J]
29.04.2025

Index: Yes/No
Speaking order / Non-speaking order
vsn

To

The State Human Rights Commission Tamilnadu,
"Thiruvarangam",
No.143, P.S.Kumarasamy Raja Salai,
(Greenways Road),
Chennai-600 028.



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W.P.No.17369 of 2018

M.SUNDAR,J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

vsn

Pre-delivery order in
W.P.No.17369 of 2018
and W.M.P.No.20630 of 2018

29.04.2025