

W.P(MD)Nos.15619 and 15732 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2026

CORAM:

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR.JUSTICE N.DILIP KUMAR**

**W.P(MD)Nos.15619 and 15732 of 2019
and
WMP (MD) Nos.12302, 12448 and 12451 of 2019**

WP(MD) No.15619 of 2019

1.T.Parthiban
2.U.Perumal

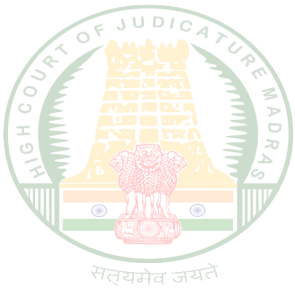
... Petitioner in WP(MD) No.15619/2019
... Petitioner in WP(MD) No.15619/2019

VS.

1. The Principal Secretary To Government,
Home Department,
Fort St.George, Chennai.

2. The Secretary to Government,
Public Department,
Fort St.George, Chennai.

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3. The Registrar,
The State Human Rights Commission,
Tamil Nadu Thiruvaramam,
No.143 Ps Kumarasamy Raja Salai,
(Greenways Road),
Chennai.

4. Tmt.Anthoniammal

... Respondents
(in both writ petitions)

COMMON PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus by Calling for the records pertaining to the order passed by the 3rd respondent in SHRC NO. 4171/2010 vide order dated 11.06.2019 and quash the same in so far as petitioner concerned.

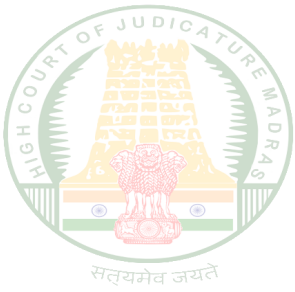
For Petitioner : Mr.R.Anand

For Respondents : Mr.G.Mohan Kumar (R1 & R2)
Additional Government Pleader

: Mr.Gokul Abimanyu
for M/s.C.Arul Vadivel @ Sekar Associates (R3)

: Ms.P.Jessi Jeeva Priya (R4)

(in both WPs)



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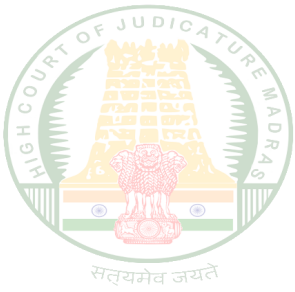
COMMON ORDER

(Order of the Court was made by N.DILIP KUMAR, J.)

These Writ Petitions have been filed challenging the common order passed by the State Human Rights Commission in S.H.R.C. No.4171 of 2010 dated 11.06.2019.

2. Mr. R.Anand, learned counsel appearing for the petitioners, would submit that the State Human Rights Commission had exceeded its powers and had not conducted the proceedings in the manner required under law. According to him, the allegations levelled against the petitioner relate to an alleged incident said to have taken place when the petitioners were holding the post of Inspector of Police and Sub-Inspector of Police, Arumuganeri Police Station, Thoothukudi District. The learned counsel would submit that the fourth respondent had alleged that, after developing a misunderstanding with her husband and living separately with her two female children, she had given a complaint against her neighbours, namely, Lazerus and his brother Balasingh, alleging that they were teasing her,

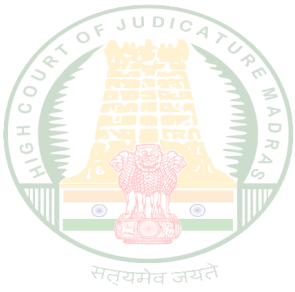
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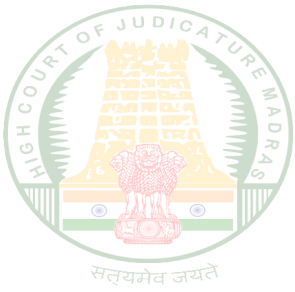
pursuant to which an F.I.R. was registered. It is further alleged that, when the said case was pending trial, the said persons, along with her mother, had threatened her not to depose against them. According to the fourth respondent, when she went to the Arumuganeri Police Station to give a complaint against them and met the second petitioner/Perumal, he threatened her that unless she withdrew her complaint, she would be sent to prison through a false F.I.R. The learned counsel would further submit that, when one of the representations submitted by the fourth respondent was taken up for enquiry by the first petitioner, it was alleged that the first petitioner asked the fourth respondent to sit near him and laid his hands on her lap, pursuant to which she left the police station without signing the report allegedly prepared by the petitioner. It is also alleged that, on 31.03.2010, when the fourth respondent had gone to school, one Gnanapoo and Roseline, along with the said Lazerus, trespassed into her house and brutally assaulted her four-year-old child and that, when she returned home and noticed the same, she immediately rushed to the Arumuganeri Police Station and lodged a complaint before the then Sub-Inspector of Police, Sabitha. It is alleged that, despite the seriousness of the complaint, no F.I.R. was registered and that the said Sub-Inspector of Police, Perumal, after receiving a complaint from the said Gnanapoo,



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had registered a criminal case against the fourth respondent and her husband. The learned counsel would submit that, based on the representations submitted by the fourth respondent to the higher authorities, the State Human Rights Commission took cognizance of the matter in S.H.R.C. No.4171 of 2010 and after examining two witnesses on the side of the fourth respondent and three witnesses on the side of the petitioner, came to the conclusion that the case projected by the fourth respondent was genuine and directed payment of compensation of Rs.1,00,000/- each by the petitioners. As far as the then Sub-Inspector of Police, Sabitha, is concerned, the State Human Rights Commission found that no case was made out against her and exonerated her from the charges. The learned counsel would further submit that the State Human Rights Commission had directed the second respondent to pay the compensation directly and thereafter recover the same from the petitioners. According to the learned counsel, if at all there is any grievance for the complainant, she should have taken it through the appropriate Magistrate Court as prescribed in the judgment of the Hon'ble Apex Court in ***Lalita Kumari v. Government of Uttar Pradesh***, reported in ***AIR 2014 SC 187***.



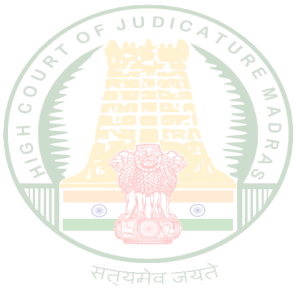
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3. The learned counsel appearing for the State Human Rights Commission would submit that there has been a proper consideration of the materials available on record and that the order has been appropriately passed.

4. We heard the respective parties and also perused the materials available on record.

5. It is seen from the records that the fourth respondent had submitted a complaint alleging certain violations of human rights said to have been caused by the petitioners; the complaint related to the alleged conduct of the police officials while dealing with the complaints and representations submitted by the fourth respondent; it was alleged that, when the fourth respondent approached the police in connection with the complaint against her neighbours, the second petitioner threatened her and that, when one of her representations was taken up for enquiry by the first petitioner, he had allegedly behaved in an inappropriate manner towards her; it was further alleged that, after her child was assaulted, the complaint given by her before the then Sub-Inspector of Police, Sabitha, was not acted upon and that, instead, a criminal case was registered

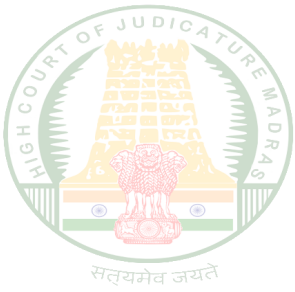


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against the fourth respondent and her husband on the basis of a complaint given by another person; the fourth respondent thereafter submitted representations to the higher authorities; the State Human Rights Commission took cognizance of the complaint in S.H.R.C. No.4171 of 2010; the State Human Rights Commission examined two witnesses on the side of the fourth respondent and three witnesses on the side of the petitioner; thereafter, by order dated 11.06.2019, the State Human Rights Commission came to the conclusion that the case projected by the fourth respondent was genuine and directed payment of compensation of Rs.1,00,000/- each by the petitioners, while exonerating the then Sub-Inspector of Police, Sabitha.

6. The reasonings given by the State Human Rights Commission to arrive at the conclusion against the petitioners, have to be examined in the light of the materials available on record. The State Human Rights Commission, while passing an order for compensation, should substantiate the reasons for arriving at a finding of violation of human rights and for fixing the liability upon the concerned police officials. There should have been substantiated reasons made by the State Human Rights Commission in its order to indicate how the allegations

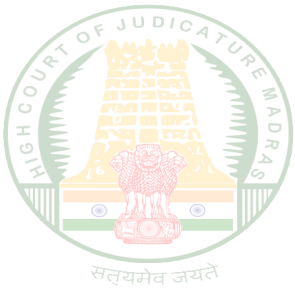


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made by the fourth respondent are established and how the materials available on record support the conclusion arrived at against the petitioners.

7. If at all the fourth respondent is having any grievance against the manner in which the police officials dealt with her complaints or against any alleged excess committed by the police officials, the remedy lies elsewhere, depending upon the nature of the grievance and the allegations made. There is no substance to intervene in a State Human Rights Commission action against an Inspector of Police and the Sub-Inspector of Police for the alleged manner in which the complaints and representations of the fourth respondent were dealt with, without there being sufficient material to establish violation of human rights. If there is any excess committed by the police officers, the remedy lies elsewhere, particularly when the allegations relate to the manner in which the police officials dealt with the complaints and the registration of criminal cases. There is no power available to the State Human Rights Commission to conduct such an enquiry in the manner in which it has proceeded in the present case.



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8. In the light of the above discussion, we are of the considered view that the impugned order passed by the State Human Rights Commission travels beyond the scope and ambit of its jurisdiction. Accordingly, the impugned order dated 11.06.2019, is set aside. The Writ Petitions are allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[M.D.I.,J.] & [N.D.K.,J.]
11.08.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN

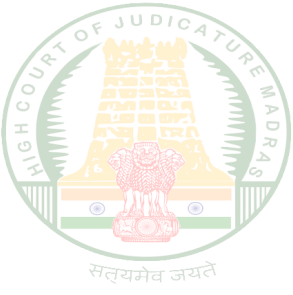
To

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and
N.DILIP KUMAR, J.

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