

WEB COPY

W.P.NOS.9297, 11671 & 11680 OF 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDER RESERVED ON : 10/ 12 / 2025

ORDER PRONOUNCED ON : 18 / 12 / 2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.P.NOS.9297, 11671 & 11680 OF 2020

AND

W.M.P.NOS.14319, 11338 & 14335 OF 2020

W.P.NO.9297 OF 2020

K.Jayaraj

No.A-1, Abdul Rasak Street,
Tambaram Police Quarters,
West Tambaram, Chennai-40.

... Petitioner

Vs.

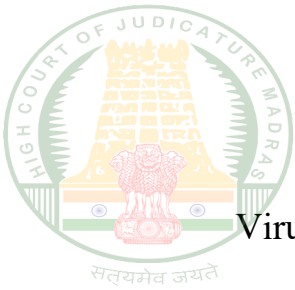
1.The State Human Rights Commission,
Tamilnadu represented by its Member,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai – 600 028.

2.The Government of Tamilnadu,
Represented by its Additional Chief Secretary,
Home (POL-IV) Department,
Fort St.George, Chennai.

3.The Director General of Police,
Office of the Director General of Police,
Chennai – 4.

4.T.S.Pasupathy
No.11/6, Yadaval 2nd Street,

Page No.1 of 16



W.P.NOS.9297, 11671 & 11680 OF 2020

Virugambakkam, Chennai – 600 092.

... Respondents

WEB COPY

PRAYER IN W.P.NO.9297 OF 2020: Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari calling for the records of the 1st Respondent in its proceedings in SHRC Case No.7969 of 2014 dated May 03, 2019, in so far as the Petitioner is concerned and the consequential Order passed by the 2nd Respondent in G.O(D)No.665 HOME (POL-IV) Department dated May 28, 2020 in so far as the Petitioner is concerned and quash the same.

W.P.NO.11671 OF 2020

Thiru.Vijayapandian,
Sub Inspector of Police,
Vadapalani Police Station,
Chennai
Now he presently working as
Sub Inspector of Police,
Ammainaickanur Police Station,
Dindigul District.

... Petitioner

Vs.

- 1.The Tamilnadu State Human Rights Commission,
Represented by its Registrar,
143, P.S.Kumarasamy Raja Salai,
Greenways Road, Adayar, Chennai – 600 028.
- 2.The Government of Tamilnadu,
Represented by its Additional Chief Secretary,
Home (POL-IV) Department,
Fort St.George, Chennai.
- 3.The Director General of Police,
Office of the Director General of Police,
Chennai – 04.

Page No.2 of 16



W.P.NOS.9297, 11671 & 11680 OF 2020

WEB COPY

4.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai – 600 007.

5.Thiru.T.S.Pasupathy
No.11/6, Yadavaal 2nd Street,
Virugambakkam, Chennai – 600 092.

... Respondents

PRAYER IN W.P.NO.11671 OF 2020: Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari calling for the records of the impugned Order of the State Human Rights Commission/1st Respondent in its proceedings in SHRC No.7969 of 2014 dated May 03, 2019, in so far as the Petitioner concerned and the consequential Order passed by the 2nd Respondent in G.O(D)No.665 HOME (POL IV) Department dated May 28, 2020 in so far as the Petitioner concerned and quash the same.

W.P.NO.11680 OF 2020

Thiru.S.Kannan,
Police Constable,
Virugambakkam Police Station,
Chennai
Now he presently working as
Police Constable (IS),
Teynampet Police Station,
Chennai.

... Petitioner

Vs.

1.The Tamilnadu State Human Rights Commission,
Represented by its Registrar,
143, P.S.Kumarasamy Raja Salai,
Greenways Road, Adayar, Chennai – 600 028.



W.P.NOS.9297, 11671 & 11680 OF 2020

2.The Government of Tamilnadu,
Represented by its Additional Chief Secretary,
Home (POL IV) Department,
Fort St.George, Chennai.

3.The Director General of Police,
Office of the Director General of Police,
Chennai – 04.

4.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai – 600 007.

5.Thiru.T.S.Pasupathy
No.11/6, Yadavaal 2nd Street,
Virugambakkam,
Chennai – 600 092.

... Respondents

PRAYER IN W.P.NO.11680 OF 2020: Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari calling for the records of the impugned Order of the State Human Rights Commission/1st Respondent in its proceedings in S.H.R.C. No.7969 of 2014 dated May 03, 2019, in so far as the Petitioner concerned and the consequential Order passed by the 2nd Respondent in G.O(D)No.665 HOME (POL IV) Department dated May 28, 2020 in so far as the Petitioner concerned and quash the same.

For Petitioner in
W.P.Nos. 11671 &
11680 of 2020 : Ms.L.Meenakshi
for Mr.M.Dinesh

For Petitioner in
W.P.No.9297 of 2020 : Mr.V.Vijay Shankar



WEB COPY



W.P.NOS.9297, 11671 & 11680 OF 2020

For Respondent-1
in all WPs

: Mr.G.Anbumani

For Respondents-2 & 3

in W.P.No.9297 of 2020 :

Mr.R.Kumaravel

Additional Government Pleader

For Respondents-2 to 4

in W.P.Nos.11671 &

11680 of 2020

: Mr.R.Kumaravel

Additional Government Pleader

For Respondent-4

in W.P.No.9297 of 2020:

Mr.L.Rajasekar

For Respondent-5

in W.P.Nos.11671 &

11680 of 2020

: Mr.L.Rajasekar

COMMON ORDER

Aggrieved by the Order dated May 3, 2019 passed by the 'Tamil Nadu State Human Rights Commission' ['S.H.R.C.' for short] in S.H.R.C. Case No.7969 of 2014, the respondents 1 to 3 therein preferred W.P. No.9297 of 2020, W.P.No.11680 of 2020 and W.P.No.11671 of 2020 respectively. Since all the captioned Writ Petitions arise out of one and the same Order and since the issues involved are also same, all these Writ Petitions are disposed of by this Common Order.

2. Hereinafter, for the sake of convenience, the parties will be referred to as per their array in S.H.R.C. Case No.7969 of 2014.



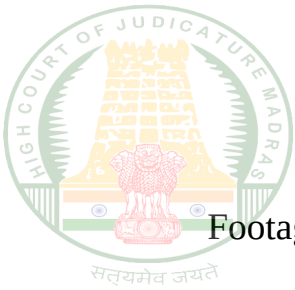
3. The complainant - T.S.Pasupathy filed a complaint before the S.H.R.C. stating that he was holding various posts in a political party and due to political vengeance, one of the party cadre in his area, instigated the first respondent to foist false cases against the complainant. The first respondent registered six false First Information Reports (FIR) against the complainant and his family members. The complainant and his family members obtained an anticipatory bail from the High Court subject to the condition of signing before Tiruchirappalli Cantonment Police Station. For the said purpose, the complainant and his family members, on November 5, 2014, at about 9.20 A.M., went to the said police station to sign. At that time, the respondents along with 10 people entered the Police Station in civil attire, in a private vehicle, and attacked the complainant and his family members in front of the police officials and tried to kidnap them. The Inspector of Police, Tiruchirappalli Cantonment Police Station intervened and pacified the situation. The said incident was captured in the CCTV Camera installed at the entry point in the Police Station. The complainant preferred a complaint before Inspector of Police, Tiruchirappalli Condonement Police Station in this regard, but he refused a register a complaint. Hence, the complainant's son - Thenarasu lodged a complaint with Judicial Magistrate No.2, Tiruchirappalli who in turn directed the police to register a case after noting the physical injuries



sustained by the complainant and his family members and also deputed a staff to accompany them to Hospital. The first respondent came to the Hospital as well, and threatened them. Hence the complaint before S.H.R.C.

4. The sum and substance of the defence set up by the respondents is that the complainant is a habitual offender and a criminal case under Sections 147, 148, 294 (b), 323, 336, 307 and 506 (ii) of 'the Indian Penal Code, 1860' ['IPC'] in Crime No.1844 of 2014 on the file of the Virugambakkam Police Station was registered and for the purpose of investigation of the said case, the Assistant Commissioner, Vadapalani constituted a special team consisting of the respondents. To secure the complainant and others for the purpose of investigation, they went to Tiruchirappalli and attempted to arrest them in Tiruchirappalli Cantonment Police Station. As the complainant and others were not co-operative, there arose some scuffles while making the arrest. The respondents acted only in accordance with law and not violated any Human Rights. Further, the FIR registered against the respondents was transferred to CBCID - OCU as per the Order of the High Court and the same was closed as mistake of fact on March 31, 2018.

5. The S.H.R.C. after hearing both sides, based on the CCTV



Footage marked as Ex-P.2 and other evidence, concluded that there was a scuffle between the complainant, his family members and the respondents on November 5, 2014 in Tiruchirappalli Cantonment Police Station. The evidence of P.W.1 / Complainant was not controverted by the respondents. The respondents did not specifically deny the allegations levelled against them. Further concluded that the respondents did not follow the guidelines issued in **Arnesh Kumar -vs- State of Bihar**, reported in **AIR 2014 SC 2756**. Accordingly, the S.H.R.C. made the following recommendations:

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

(i)The Government of Tamil Nadu shall pay a compensation of Rs.2,00,000/- (Rupees Two Lakhs only) to the Complainant Thiru T.S.Pasupathy, S/o Thangavelsamy, No.11/6 Yadhaval 2nd Street, Virugambakkam, Chennai-600 002, within one month from the date of receipt of a copy of this Recommendation and the Government of Tamil Nadu may recover Rs.1,00,000/- from the 1st Respondent and Rs.50,000/- each from the Respondents No.2 & 3 respectively.

(ii) This Commission is also recommends to



WEB COPY



W.P.NOS.9297, 11671 & 11680 OF 2020

initiate disciplinary action against the Respondents 1 to 3 as per the Rules.”

6. Feeling aggrieved, the respondents preferred these writ petitions as stated above.

7. The submissions of the Learned Counsels appearing for the respondents can be summarised as follows:

(i) The respondents were part of a Special Team constituted for the purpose of investigating Crime No.1844 of 2014 in Virugambakkam Police Station which is a case registered against the complainant and others *inter alia* under Section 307 of IPC punishable with life or up to 10 years. The offence under Section 307 of IPC is a cognizable and non-bailable offence triable by Sessions Court. The complainant and his wife had multiple criminal cases pending against them.

(ii) Admittedly, no anticipatory bail was obtained as on the material date viz., November 5, 2014.

(iii) The respondents acted only in accordance with law. The respondents never used excessive force or caused injury to the complainant and his family members. The alleged injuries are



WEB COPY



W.P.NOS.9297, 11671 & 11680 OF 2020

simple injuries that happened in the scuffle and are not caused by the respondents, that too intentionally. The respondents are in no way liable for the same.

(iv) The case registered against the respondents in this regard at the instance of the complainant, was investigated by CBCID-OCU and a negative Final Report was filed before the Jurisdictional Court as a mistake of fact.

(v) Since the complainant and others are accused of an offence punishable under Section 307 of IPC, arrest of the complainant and others were necessary for the purpose of investigation and the dictum laid down in *Arnesh Kumar's Judgment* [cited *supra*] is not applicable.

(vi) The S.H.R.C. itself found that the respondents did not attack with any weapons like *Lathi* and that the version of the complainant is not completely true but, an exaggerated one.

(vii) In these circumstances, the findings as well as the recommendations of the S.H.R.C. are liable to be interfered with and set aside by this Court. Accordingly, they prayed to allow the writ petitions and set aside the Order of the S.H.R.C.



8. Per contra, learned Counsel for the complainant submitted that the presence of the respondents on the material date and time at the Tiruchirappalli Cantonment Police Station is admitted. Moreover, the entire incident was captured in CCTV Footage and its validity has not been denied. The registration of FIR, injuries sustained by the complainant and his family members and the evidence of P.W.1 / complainant would clearly prove that the respondents committed Human Rights violations against the complainant and his family members. Further, he argued that the FIR copy in Crime No.1844 of 2014 on the file of Virugambakkam Police Station reached the Jurisdictional Magistrate belatedly, which itself shows that the FIR is a false one. The first respondent foisted six false cases between August 7, 2014 and October 24, 2014 only due to political instigation. The S.H.R.C. rightly appreciated the evidence and the facts, and arrived at a factual finding that the respondents committed Human Rights violations and rightly recommended compensation as well as disciplinary action as per Rules against the respondents. There is no need to interfere with the same. Accordingly, he prayed to dismiss the writ petitions.

9. This Court has considered both sides submissions. Perused the materials available on record.



10. Admittedly, a case in Crime No.1844 of 2014 on the file of Virugambakkam Police Station registered *inter alia* under Section 307 of IPC was pending against the complainant and others as on the material date viz., November 5, 2014. Offence under Section 307 of IPC is punishable with life imprisonment or 10 years imprisonment. Further, it is a cognizable and non-bailable offence. It is stated that the respondents were form and part of a Special Team constituted by the Assistant Commissioner of Police, Vadapalani for the purpose of investigating Crime No.1844 of 2014. Hence, the Investigating Officer is the competent person to take a call on whether arrest is necessary or not. In this case, the Investigating Officer was of the opinion that arrest was necessary and hence, he along with the other respondents went to secure the complainant and others.

11. The presence of the respondents at Tiruchirappalli Cantonment Police Station on material date and time is admitted. When they attempted to arrest the complainant and others at the Police Station which is a lawful action, there arose some scuffle in which the complainant and others sustained injuries. Notably, the respondents did not sustain any injuries. The respondents could have very well averted the situation. If really their intention was only to arrest the complainant, they could have



very well informed Tiruchirappalli Cantonment Police Station and with their co-operation, peacefully arrested the complainant averted the scuffle. But the act of the respondents in arresting the complainant and others in front of the police station which has resulted in the complainant and other accused alone sustaining injuries, points to the usage of excessive force by the respondents. Thereby, the respondents committed human rights violation. In other words, while taking lawful action, the respondents exceeded their limits and used excessive force which they could have very well avoided. As regards the closure of the case registered against the respondents as mistake of fact, there is no evidence / materials to show whether the concerned Magistrate has accepted the same or not. As rightly observed by the S.H.R.C., the negative Final Report filed by the CBCID-OCU cannot be the basis to conclude that no such incident as alleged by the complainant happened.

12. In this case, no doubt Human Rights violation had taken place in the course of attempting to arrest the complainant. Hence, the S.H.R.C. is right in awarding compensation. But this Court is of the view that the recommendation of the S.H.R.C. *qua* disciplinary action is not proportionate, for the reason that the respondents' action was initially lawful and only the way they handled the arrest led to use of excessive



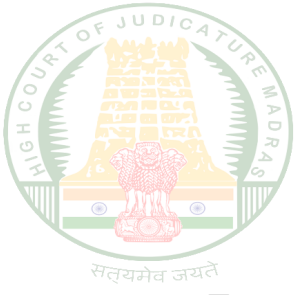
W.P.NOS.9297, 11671 & 11680 OF 2020

force resulting in Human Rights violation. Hence, considering the totality of the facts and circumstances, this Court is of the view that awarding compensation to the complainant is alone sufficient and there is no need for disciplinary action against the respondents.

13. In fine, the writ petitions are allowed in part. The recommendation of the S.H.R.C. *qua* payment of compensation to the complainant by respondents 1 to 3 is sustained and *qua* disciplinary action against respondents 1 to 3 is set aside. In view of the facts and circumstances of this case, there shall be no order as to costs. Connected Writ Miscellaneous Petitions are closed.

[M.S.R., J.] [R.S.V., J.]
18 / 12 / 2025

Index : Yes
Speaking Order : Yes
Neutral Citation : Yes
pam



W.P.NOS.9297, 11671 & 11680 OF 2020

WEB COPY

To

- 1.The Registrar,
Tamilnadu State Human Rights Commission,
143, P.S.Kumarasamy Raja Salai,
Greenways Road, Adayar, Chennai – 600 028.
- 2.The Member,
State Human Rights Commission,
Tamil Nadu,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai – 600 028.
- 3.The Additional Chief Secretary,
Government of Tamilnadu,
Home (POL-IV) Department,
Fort St.George, Chennai.
- 4.The Director General of Police,
Office of the Director General of Police,
Chennai – 4.
- 5.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai – 600 007.



WEB COPY



W.P.NOS.9297, 11671 & 11680 OF 2020

M.S.RAMESH, J.
AND
R. SAKTHIVEL, J.

pam

PRE-DELIVERY COMMON ORDER MADE IN
W.P.NOS.9297, 11671 & 11680 OF 2020

18 / 12 / 2025

Page No.16 of 16