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W.P.(MD)No.22673 OF 2022 and batch

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 27.02.2026**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**AND**

**THE HON'BLE MRS.JUSTICE R.KALAIMATHI**

**W.P.(MD)Nos.22673, 24168, 23338 & 23362 of 2022, 14715 of 2023**

**and**

**W.M.P.(MD)Nos.16827, 18281, 17405, 17436 of 2022 & 12410 of 2023**

**W.P.(MD)No.22673 of 2022:**

A.C.Karthikeyan

... Petitioner

Vs

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

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

3.The Director General of Police,  
Post Box No. 601,  
Dr.Radhakrishnan Salai,  
Mylapore,  
Chennai - 600 004.

4.A.Selvaraj

... Respondents



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W.P.(MD)No.22673 OF 2022 and batch

**Prayer:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in SHRC Case No. 7744 of 2019 dated 01.09.2022 on the file of Respondent No.1 and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy  
Senior Counsel,  
for R.Rajasekar

For Respondents : Mr.V.Muthuvelan for R.1

Mr.S.Shaji Bino  
Special Government Pleader  
for R.2

Mr.Gnanasekaran  
Government Advocate (Criminal Side)  
for R.3

Mr.T.Arul for R.4

**W.P(MD)No.24168 of 2022:**

R.Senthilkumar

... Petitioner

Vs

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



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

3.The Director General of Police,  
Post Box No. 601,  
Dr.Radhakrishnan Salai,  
Mylapore,  
Chennai - 600 004.

4.A.Selvaraj

... Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in SHRC Case No. 7744 of 2019 dated 01.09.2022 on the file of Respondent No.1 and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy  
Senior Counsel  
for Mr.R.Rajasekar

For Respondents : Mr.V.Muthuvelan for R.1

Mr.S.Shaji Bino  
Special Government Pleader  
for R.2

Mr.Gnanasekaran  
Government Advocate (Criminal Side)  
for R.3  
Mr.T.Arul for R.4



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W.P.(MD)No.22673 OF 2022 and batch

**W.P(MD)No.23338 of 2022:**

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M.Stephen Arul Raj

... Petitioner

Vs

1.State Human Rights Commission,  
Represented by its Registrar (Law),  
Thiruvarangam,  
No.143, P.S.Kumarasamy Raja Salai,  
Greenways Road,  
Chennai - 28.

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

3.The Director General of Police,  
P.B.No.61, Dr.Radhakrishnan Salai,  
Mylapore,  
Chennai - 600 004.

4.A.Selvaraj

... Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in SHRC Case No. 7744 of 2019 dated 01.09.2022 on the file of Respondent No.1 and quash the same as illegal.

For Petitioner : Mr.G.Sailendrababu

For Respondents : Mr.V.Muthuvelan for R.1

Mr.S.Shaji Bino  
Special Government Pleader  
for R.2



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Mr.Gnanasekaran  
Government Advocate (Criminal Side)  
for R.3

Mr.T.Arul for R.4

**W.P(MD)No.23362 of 2022:**

Mohan Kumar

... Petitioner

Vs

1.State Human Rights Commission,  
Represented by its Registrar (Law),  
Thiruvarangam,  
No.143, P.S.Kumarasamy Raja Salai,  
Greenways Road,  
Chennai - 28.

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

3.The Director General of Police,  
Post Box No. 61,  
Dr.Radhakrishnan Salai,  
Mylapore,  
Chennai - 600 004.

4.A.Selvaraj

... Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in SHRC Case No. 7744 of 2019 dated 01.09.2022 on the file of Respondent No.1 and quash the same as illegal.

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For Petitioner : Mr.G.Sailendrababu

For Respondents : Mr.V.Muthuvelan for R.1

Mr.S.Shaji Bino  
Special Government Pleader  
for R.2

Mr.Gnanasekaran  
Government Advocate (Criminal Side)  
for R.3

Mr.T.Arul for R.4

**W.P(MD)No.14715 of 2023:**

A.Selvaraj

... Petitioner

Vs

1.State Human Rights Commission Tamil Nadu,  
Represented by its Registrar (Law),  
Thiruvarangam,  
No.143, P.S.Kumarasamy Raja Salai,  
Greenways Road,  
Chennai – 28.

***(R.1 is deleted from the  
cause title vide order of this  
Court dated 22.06.2023)***

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



3.The Director General of Police,  
Post Box No. 601,  
Dr.Radhakrishnan Salai,  
Mylapore,  
Chennai - 600 004.

4.Rejini

... Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the 1st respondent in SHRC No.7744 of 2019 dated 01.09.2022 and quash the same in so far exonerating the 4th respondent herein and consequently direct the 4th respondent to pay suitable compensation for the human rights violation inflicted against the petitioner.

For Petitioner : Mr.T.Arul

For Respondents : Mr.V.Muthuvelan for R.1

Mr.S.Shaji Bino  
Special Government Pleader for R.2

Mr.Gnanasekaran  
Government Advocate (Criminal Side)  
for R.3

Mr. Mr.T.Lajapathi Roy  
Senior Counsel  
for M/s.Lajapathi Roy Associates for R.4

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**COMMON ORDER**

**(By G.R.SWAMINATHAN, J.)**

Selvaraj, the petitioner in W.P(MD)No.14715 of 2023 and fourth respondent in the other four writ petitions, lodged complaint before the State Human Rights Commission, Tamil Nadu. It was taken on file in SHRC No.7744 of 2019. The order dated 01.09.2022 disposing of the said complaint is under challenge in these writ petitions.

2.The case of the complainant is as follows:

The complainant had civil disputes with his brother A.Vijayan and his son V.Anand. An agreement was entered into between V.Anand (complainant's nephew) and the complainant on 04.01.2017 whereby the complainant agreed to relinquish all his rights with respect to one of the properties, namely, Anand Theatre, in favour of V.Anand. It was agreed that V.Anand would pay a sum of 80 lakhs rupees in installments. Subsequently, another agreement was entered into on 10.04.2017 between A.Vjayan and the complainant settling all the disputes. However, with regard to a particular property, namely “Anandha Bhavan Hotel”, located at Marthandam junction, the dispute remained unresolved. The complainant had inducted a tenant in the said property.

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The understanding between the complainant and his brother Vijayan was

that Vijayan could seek possession of the said property only after the expiry of the lease period on 20.01.2022.

3.In connection with the said issue, Anand had paid a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) to the complainant. Anand wanted the complainant to return the said amount. This was the bone of contention between the complainant and Anand. At this stage, one Karthikeyan assumed charge as DSP, Thuckalay. The complainant received oral intimation from the local Police that he should appear before the said Karthikeyan, DSP for enquiry on 21.05.2019 at around 07.00 p.m. The complainant accordingly appeared before the DSP. The DSP insisted that the complainant should pay Rs.20,00,000/- (Rupees Twenty Lakhs only) to Anand. The complainant was threatened with dire consequences if he failed to do so. The complainant, however, refused to submit to the demand of the DSP.

4.On the next day i.e., 22.05.2019, the complainant received a formal summon to appear before the DSP in Marthandam Police Station at around 06.00 p.m. Karthikeyan reiterated his earlier threat. Once



again the complainant declined to accede. While so, on 30.05.2019 at

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around 05.00 p.m, Mohan Kumar, Rejini and Stephen, Police personnel belonging to the Special Squad of the office of the DSP, entered the complaint's premises and dragged him. He was forcibly pushed into a police vehicle. He was also beaten up. Mohan Kumar hit the complainant against a steel bar inside the vehicle. The complainant was abused and then taken to Marthandam Police Station. The complainant was kept in illegal detention for a few hours. He was then taken to and detained in the premises of Kottikodu Police Station. He was also blindfolded. Thereafter, Karthikeyan, DSP, Thuckalay came to the spot and told the complainant that he should arrange to pay Rs.20,00,000/- to Anand and if he failed to do so, he would be falsely implicated in criminal cases. The complainant was again beaten up by Karthikeyan.

5. Thereafter, the complainant was taken to the Government Hospital, Kuzhithurai at about 09.30 a.m, detained there till evening and then shifted to the Government Hospital, Asaripallam. The complainant was kept in the ICU and discharged on 08.06.2019. In the meanwhile, the complainant obtained anticipatory bail even though he was shown as having been arrested on 31.05.2019 itself. Seeking compensation for the



injuries suffered by him and for taking action against the erring Police

personnel, complaint was filed before the SHRC.

6.Karthikeyan was shown as the first respondent. The other writ petitioners Mohan Kumar, Rejini and Stephen were shown as the respondents 2 to 4. The Inspector of Police, Marthandam Police Station and the Sub Inspector of Police, Marthandam Police Station were shown as the respondents 5 and 6. The respondents 2 to 6 filed their counter affidavit. According to them, based on credible information, Crime No. 198 of 2019 was registered under Section 24(1) of COTPA and Section 77 of the Juvenile Justice Act, 2015 against one Anandha Sathya and his father Sathiyanesan, on the allegation that they were indulging in transporting, stocking and selling of gutka products. During investigation, the accused confessed in the presence of independent witnesses and the involvement of the complainant Selvaraj came to light. Based on the information furnished by them, a huge quantity of gutka products was recovered from the godown belonging to the complainant. Thereupon, the complainant was arrested by the Inspector of Police, Marthandam Police Station on 31.05.2019.



7. According to the police, in order to avoid police custody, the

complainant hit his forehead against the steel bar in the Police vehicle and caused injuries to himself. Following the arrest, when the complainant was produced for medical examination to obtain Medical Fitness Certificate, he used his influence and gained admission as an in-patient. On account of this intervening development, the accused could not be formally taken into custody. The complainant also obtained interim anticipatory bail from the Principal Sessions Court, Nagercoil on 07.06.2019. The respondents 2 to 4 completely denied all the allegations made by the complainant in his complaint.

8. The first respondent, Karthikeyan, DSP, Thuckalay reiterated the stand of the respondents 2 to 6. According to him, the godown belonging to the complainant was used for storing gutka products. When this came to the knowledge of the Police, they took action. In order to ensure that his name and reputation in his locality were not damaged, the complainant enacted a drama. The DSP also denied that he abused his position or power to oblige Anand. He claimed that his child and Anand's child were schoolmates and that except this connection, there was no other link between himself and the said Anand. The DSP also



denied all the allegations made against him in the complainant. The

stand of the police is that the lodging of complaint before the Human Rights Commission was a counter blast to the criminal case registered against the complainant and intended to repair the damage caused to his reputation.

9.The complainant examined himself as PW1 and 5 other witnesses on his side. Ex.P1 to Ex.P26 were marked. On the side of the respondents, four witnesses were examined and Ex.R1 to Ex.R12 were marked. After considering the rival contentions and materials on record, the State Human Rights Commission passed the following directions:

“(a) The Additional Chief Secretary to Government, Home Department, Secretariat, Chennai shall pay a compensation of Rs.6,00,000/- (Rupees Six Lakhs only) to the complainant Mr.Selvaraj, S/o.Late.Tr.A.P.Appavoo Nadar, residing at Chathanamkuzhi, Nalloor Marthandam, Kanniyakumari District within a period of Four weeks from the date of receipt of this order.

(b) After making such payment the Additional Chief Secretary to Government, Home Department, Secretariat, Chennai may recover a sum of Rs.3,00,000/- (Rupees Three Lakhs only) from the 1<sup>st</sup> respondent Mr.Karthikeyan; and a



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sum of Rs.1,00,000/- (Rupees One Lakh only) each from the 2<sup>nd</sup> Respondent Mr.Mohankumar, 4<sup>th</sup> Respondent Mr.Stephen and 5<sup>th</sup> Respondent Mr.Senthilkumar, as per rules.”

Challenging the same, these writ petitions have been filed.

10.It is conceded by the writ petitioners that the complainant is an affluent and very well known person in the locality. He was implicated in Crime No.198 of 2019 registered under Section 24(1) of COTPA and Section 77 of the Juvenile Justice Act, 2015. The Principal District and Sessions Court, Kanyakumari District at Nagercoil discharged the complainant from the said criminal case vide order dated 11.11.2024 in CrI.R.P.No.14 of 2023. Though the discharge order was passed subsequently, it can be taken note of while testing the validity of the order passed by the Human Rights Commission earlier (vide **Ram Chandra Prasath Singh v. Sharad Yadhav (Civil Appeal No.2004 of 2020 dated 19 .03.2020)**). A reading of the aforesaid discharge order and a perusal of the materials on record leads us also to the conclusion that the complainant was falsely implicated in the said criminal case. It was in connection with that criminal case, the police personnel attached to Marthandam police station arrested the complainant and took him to the Kottikode police station. Admittedly, in the process, the complainant

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suffered head injuries. The police have put forth an improbable version

that the complainant hit himself against the steel-bar in the vehicle and

the injuries are self-inflicted. The Commission unequivocally rejected

the said defence. The complainant is a senior citizen aged about 63 years.

We can invoke the rule of commonsense and easily conclude that the

story that the complainant hit himself and that is how the head injuries

were caused is fantastic. He was taken to hospital and that is how, he

escaped being remanded.

11. Section 2(d) of the Protection of Human Rights Act, 1993 defines "Human Rights" as follows:

*"2(d) "Human Rights" means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India"*

Implication in a criminal case and being taken in a police vehicle is

definitely an infraction of one's dignity. The complainant's liberty was

also curtailed. On account of police assault, he had suffered injuries.

These are undoubtedly violative of the complainant's human rights. That

the complainant was a victim of police assault is borne out by the



Accident Register (Ex. P8), Wound certificate (Ex.P9) and Discharge

WEB COPY Summary (Ex. P10).

12.The question that calls for consideration is whether the Commission was justified in fastening liability on Karthikeyan and three others. Karthikeyan was the jurisdictional Deputy Superintendent of Police then. The learned Senior Counsel appearing for the writ petitioner contended that the Deputy Superintendent of Police was not a party to the human rights violation said to have been committed on the complainant. It is true that Karthikeyan did not direct the registration of the FIR. It is true that he did not personally oversee or cause arrest of the complainant. Even though the complainant had alleged that Karthikeyan had also assaulted him, the evidence on that score is not sufficiently strong. Therefore, the learned Senior Counsel pressed for exonerating Karthikeyan from liability.

13.We are not persuaded by the said submission. As already mentioned, the complainant is a person of standing. We find it difficult to believe that the local police would have implicated and arrested the complainant on the strength of the confession obtained from the main



accused without clearance from the DSP. The complainant was having a

WEB COPY civil dispute with his nephew / V.Anand. Anand was demanding that the

complainant should re-pay a sum of Rs.20,00,000/-. Anand and

Karthikeyan were known to each other. This is admitted. The give-away

lies in the summon issued to the complainant on 22.05.2019 and the

direct involvement of the members of the Special Squad attached to the

officer of the DSP. The complainant had alleged that on 22.05.2019, he

was asked to appear before Karthikeyan on 23.05.2019 and that

Karthikeyan during said interaction pressed the complainant to pay a sum

of Rs.20,00,000/- to Anand. Since the complainant refused to agree, he

was served with a written summon from the local police station. The

summon reads that Selvaraj should appear before the Deputy

Superintendent of Police on 23.05.2019. Unless the Deputy

Superintendent of Police had directed, the local police would not have

issued such a summon (Ex.P7). There was no occasion whatsoever for

the Deputy Superintendent of Police to call upon Selvaraj to appear

before him for enquiry. Admittedly, no criminal case was pending

against the complainant then. There was absolutely no justification or

warrant for summoning the complainant for enquiry on 23.05.2019. We

are not dealing with a criminal case. Therefore, the standard of proof can



only be preponderance of probabilities. We are satisfied that the

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complainant was summoned to appear before Karthikeyan only in connection with the civil dispute pending between the complainant and his nephew / Anand.

14.The police driver attached to the office of the Deputy Superintendent of Police was one of the respondents in the complaint filed by Selvaraj before the Human Rights Commission. His daily diary was marked as Ex.R10. In the entry, it has been stated that on 30.05.2019, the Deputy Superintendent of Police / Karthikeyan visited Kotticode Police Station twice. In his cross-examination, Karthikeyan admitted that on the said date, he visited Kotticode Police Station at 05.30 pm and 10.00 pm. The specific case of the complainant is that he was kept in Kotticode police station from 30.05.2019 to 31.05.2019 till 06.30 am. The diary extracts of Rejini dated 30.05.2019 reads that he went for gutka raid along with Karthikeyan. The Hon'ble Supreme Court has directed that the CCTV cameras be installed in all police stations to check human rights abuse and has time and again emphasised that they should be functional (*Paramvir Singh Saini vs Baljit Singh (2020) 7 SCC 397* and *In Re Lack of Functional CCTVs in Police Stations (Suo*



**Moto Writ Petition (Civil) No. 7/2025).** Though it is admitted by

WEB COPY Karthikeyan that in the station premises of Kotticode CCTV cameras have been installed, the footages were not produced. Non-production of the footage contemporaneously taken warrants drawl of adverse interference against the police.

15.Crime No.196 was registered on the file of Marthandam Police Station under Section 145 of Criminal Procedure Code by Senthilkumar, Inspector of Police. The name of the complainant is also figuring in Column No.7 of the said FIR. In Paragraph No.11 of the proof of affidavit filed by Karthikeyan before State Human Rights Commission, he had stated that since the issue between the complainant / Selvaraj and Anand was beyond his limits, he referred the matter to the Executive Magistrate for taking action under Section 145 of Cr.P.C. Thus, Karthikeyan had admitted his involvement in the civil dispute between the complainant and Anand. There was no occasion for Karthikeyan to involve himself in the matter at all. There was neither any court order nor order from the higher authority directing Karthikeyan to look into issue between Selvaraj and Anand. These facts probalize the case of the complainant that on account of his friendship with Anand, Karthikeyan



chose to take sides and interfere. We are of the view that only on account

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of instructions given by Karthikeyan, the police personnel attached to

Marthandam police station implicated the complainant / Selvaraj in the criminal case and also detained him and caused him injuries. Admittedly, Mohanraj and Stephen barged into the shop of the complainant and dragged him to the police station. Both of them were members of the special squad attached to the DSP office, Thuckalay. Selvaraj was pushed into a police vehicle which was driven by Rejini who was again attached to the office of the DSP, Thuckalay. More than the Marthandam Police Station Personnel, the members of the special squad of the DSP took greater involvement in dealing with Selvaraj in connection with the gutka case. But for the direct instruction from Karthikeyan, the police personnel working under his immediate command would not have involved themselves in the gutka case. Therefore, the State Human Rights Commission was right in fastening liability on Karthikeyan and also directing him to pay compensation to the complainant / Selvaraj.

16.The complainant Selvaraj has made specific allegations against Mohankumar as well as Stephen Arul Raj, the members of the special squad. Mohankumar as well as Stephen Arul Raj had roughed up



Selvaraj. Specific overt acts have been attributed to them. The case of

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the complainant is duly supported by evidence of two practicing lawyers namely, Thangamani and Aruldas (examined as P.W.5 and P.W.6 respectively). Selvaraj specifically alleged that he was taken to Kotticode police station after his arrest. Both the lawyers in their affidavit stated that they saw Karthikeyan in the station premises. When the DSP himself was present in the Police Station, it is reasonable to presume that the members of his squad, namely, Mohan Kumar and Stephen Arul Raj joined him.

17. On the other hand, Rejini appears to have acted only as a driver and his role did not extend beyond. Rejini examined himself before the Commission. He was also subjected to cross-examination. After examining the evidence against him, the Commission exonerated him. The order exonerating Rejini is put to challenge. The approach to be adopted in such cases has to be delineated. In an appeal against acquittal, where two views are possible, and the trial court on appreciation of evidence on record, has taken a view of acquittal, the appellate court should not interfere with the same (vide *Harljan Bhala Teja v. State of Gujarat (2016) 12 SCC 665*). The appellate court will interfere only if



the view taken by the trial court is against the weight of evidence on

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record or it is perverse. In revision against acquittal, interference is

possible only when there is a glaring defect in the procedure or there is a

manifest error on point of law and there has been flagrant miscarriage of

justice (vide *Amar Chand v. Shanti Bose (1973) 4 SCC 10*). When we

are examining the correctness of the order passed by the Commission, we

are not exercising appellate or revisional jurisdiction. We are exercising

the power of judicial review under Article 226 of the Constitution of

India. There are varying standards of judicial review. Certain orders are

subjected to heightened scrutiny. The proceeding impugned in writ

jurisdiction may be subjected to what is colloquially called “hard look”.

Sometimes a kid glove approach is adopted. The context determines the

contours of judicial review. If the order is by the executive, we may

probe the matter deeply. If the order had already passed muster at the

hands of an expert body, our attitude may be one of restraint. Human

Rights Commission is a specially constituted statutory body. When such

a body had chosen to give clean chit to someone accused of human rights

violation, unless we are satisfied that the exoneration is vitiated by a

serious irregularity, we will not be justified in dislodging its conclusions.

It is in this view of the matter, we dismiss the writ petition filed by



Thiru.Selvaraj questioning the exoneration of Rejini.

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18.Thiru.Senthilkumar, the Inspector of Police, Marthandam Police Station registered the gutka case. It was he who arrested the main accused and based on their confession, implicated Selvaraj. Senthilkumar caused the arrest of Selvaraj. **D.K.Basu** guidelines were not followed. When Selvaraj was implicated in connection with a case registered by Marthandam Police, he could not have been taken to Kotticode Police Station. As already mentioned, Selvaraj received summon from Marthandam Police directing him to appear before the DSP even though there was no cause of action whatsoever. The Hon'ble Supreme Court in **Joginder Kumar v. State of UP (1994) 4 SCC 260** observed that the existence of the power to arrest is one thing, the justification for its exercise is another. But for his admission in hospital, Selvaraj would have been sent to jail. Senthilkumar cannot claim to be innocent. He had acted as a pawn at the hands of the DSP Karthikeyan. The Commission rightly fastened liability on him also.

19.The learned Senior Counsel appearing for the police contended that when the subject matter is pending before the criminal court, the bar



set out under Regulation 9(g) of the State Human Right Commission,

WEB COPY Tamil Nadu (Procedure) Regulations, 1997 would get attracted. The said

regulation reads as follows : -

*“9.Complaint not ordinarily entertainable – The Commission may dismiss in limini complaints of the following nature:-*

*(g) Matter is sub judice before a Court or tribunal”*

Reliance is placed on the decision of the Hon'ble Division Bench rendered in WP(MD)Nos.17370 and 17376 of 2020, dated 05.07.2022 (***M.Chelladurai and another Vs. The Registrar, State Human Rights Commission, Chennai and others***) in support of the above contention.

20.The doctrine of *sub-judice* envisages that when the jurisdictional Court is seized of the matter, there cannot be any parallel enquiry by any other forum. This principle finds expression in Regulation 9(g) of the State Human Right Commission, Tamil Nadu (Procedure) Regulation, 1997. The learned Senior Counsel appearing for the writ petitioners submitted that in view of this statutory bar, the Human Rights Commission could not have entertained the complaint at all. We are however of the view that merely because the subject matter before the Court and the Commission overlap, there cannot be an



absolute bar for the Commission to take cognizance of the complaint.

WEB COPY The Commission is very much having a discretion in such cases. This is evident from the employment of the expression “may”. Of course, the manner in which the discretion is exercised is amenable to judicial review. But that there is a lee-way is beyond doubt. Regulation No.9 has a heading and it employs the expression “ordinarily”. This expression was interpreted by the Five Judges Bench of the Hon'ble Supreme Court in the decision reported in AIR 1961 SC 1346 (*Kailash Chandra v. Union of India*) as meaning “in the large majority of cases but not invariably”. These two expressions i.e., “ordinarily” and “may” have to be read together. Only if the subject matter before the Human Rights Commission and the subject matter before the Court are one and the same, the Commission may have to refrain from entertaining the complaint. Even if that be the case, if the facts *prima facie* indicate egregious violation of one's human rights, the Commission cannot turn a blind eye. It can very well entertain the complaint. But it has to be mindful of the *sub judice* principle while dealing with the complaint and giving its recommendations. Its findings cannot operate to undermine the prosecution case before the criminal Court. There is a story in Mahabharata. Arjuna and others were engaged in target practice. When



Arjuna was asked what he saw, he replied that he saw the target alone to

its minutest degree. Such precisional approach is called for in such cases. The Human Rights Commission should focus on the aspect of breach of human rights alone. It should not render any finding on the nature of investigation. It should not go into micro details of investigation such as arrest, confession etc., The Commission may have to do a tight rope walking. It can thus steer clear of the bar found in Regulation 9(g). It is evident from a reading of Para 24 of the impugned order that the SHRC was aware of its limitations and did not venture into aspects involving criminal liability.

21. We can view from another perspective also. The Commission has been entrusted with certain statutory functions by the Protection of Human Rights Act, 1993. Section 10(2) of the Act empowers the Commission to regulate its own procedures. Regulation 9(g) is a part of the regulations issued under the aforesaid sections. When statute confers a certain jurisdiction on the Human Rights Commission, it implies that the Commission is under a mandate to intervene when the facts disclosing breach of human rights come to its notice. The procedural regulations framed under Section 10(2) of the Act cannot come in the



way of the Commission from exercising its statutory functions. The

WEB COPY Hon'ble Calcutta High Court in *Sankar Chatterjee v. State of Bengal*

(2000) 1 Cal LJ 136 held that since no provision of the Human Rights Act limits the power of the Commission to entertain and investigate a complaint relating to the matter which is sub-judice, Regulation 7(2)(a) (pari materia to Regulation 9(g) of the State Human Right Commission, Tamil Nadu (Procedure) Regulation, 1997) certainly cannot take away the jurisdiction of the Commission to entertain and investigate a complaint even in a case where the matter is sub-judice. It was further held that these Regulations were not even delegated legislations but are really in the nature of administrative instruction issued by the said Commission regulating its own procedure under Section 10(2) of the Act. But when the Commission entertains any complaint that is sub-judice, reason should be recorded for deviating from the normal procedure. We clarify that we are in agreement with the Calcutta view with a caveat that the sub-judice principle must be kept in view and the approach in such cases must be as indicated in this judgment.

22.The learned Senior Counsel for the writ petitioners points out that the complainant having filed a private complaint before the



Magistrate Court, could not have maintained a parallel complaint before

the Human Rights Commission. This submission does not meet our

approval. This is not a case of riding two horses at the same time. One

cannot pursue twin remedies to achieve a single object. But if law

permits the aggrieved individual to avail more than one remedy, nothing

stops him from pursuing both. If a person has been defamed, he can file

a suit for damages. He can also initiate criminal prosecution. If an

employee commits misappropriation, the employer can prosecute him

before the criminal Court as well as initiate departmental proceedings.

Merely because a victim of human rights violation has resorted to

criminal prosecution, he cannot be disabled from approaching the Human

Rights Commission. The Human Rights Commission can award

compensation and recommend disciplinary action against the erring

officials. On the other hand, the Criminal Court can hand out

punishment. The rule of *sub-judice* will not apply in such cases because

the statutes concerned confer such remedies. When one is availing such

a statutory remedy, the rule of *sub-judice* will not come in the way. The

rule of *sub-judice* will apply when the complainant before the

Commission is accused in the criminal case and not when the same

individual holds the position of petitioner before the Court as well as the



Commission. As already clarified even when the complainant before the

Commission is an accused in the criminal case, the complaint can be entertained when gross human rights violation is evident ex-facie ; even in such cases, the eventual findings of the Commission cannot cast any cloud on the prosecution's case before the criminal court. If this laxman rekha is not kept in view, while the act of taking cognizance may not be faulted, the report may be set aside. We can conceive of a situation when the police version projected before the criminal Court is at total variance with what is projected by the accused in the criminal Court / complainant before the Commission. Only if we come to the conclusion that the findings of the Commission would undermine the prosecution case in the criminal Court, then alone Regulation 9(g) of State Human Right Commission, Tamil Nadu (Procedure) Regulation, 1997 will be attracted and not otherwise.

23.The case before the criminal Court was whether the complainant / Selvaraj was guilty of offences under Sections 24(1) of COTPA, 2003 and Section 77 of Juvenile Justice Act, 2015. The case before the Commission was whether the human rights of Selvaraj were infringed. The subject matter before the Commission and the case before



the criminal Court clearly did not overlap. Not only that, Selvaraj had

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subsequently been discharged from the criminal case. Considering the facts and circumstances mentioned above, we hold that that statutory bar is not at all attracted and the Commission was justified in proceeding with the complaint lodged by Selvaraj.

24. We confirm the impugned order passed by State Human Rights Commission. We are also of the view that the State Human Rights Commission has rightly dismissed the complaint against Rejini and Henson Paulraj.

25. For the foregoing reasons, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

**(G.R.S, J.) & (R.K.M, J.)**  
**27.02.2026**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
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**G.R.SWAMINATHAN, J.  
AND  
R.KALAIMATHI, J.**

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& 23362 of 2022, 14715 of 2023

**27.02.2026**

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