



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

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CORAM

**THE HON'BLE DR JUSTICE G. JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR**

W.P.No.17653 of 2022

and

W.M.P.No.16926, 16929 & 22993 of 2022

1. Samundeeswari
2. Panneerselvam
3. S.Suresh
4. Senthilkumar
5. Guna alias Gunasundari
6. Magesh

..Petitioners

Vs

1. The Registrar
State Human Rights Commission,
Thiruvarangam,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road,
Chennai-600 028.
2. The Principal Secretary to the Government
Home Prohibition and Excise Department,
Secretariat, St.George Fort,
Chennai-600 009.
3. M.Dhanlakshmi

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records in respect of the recommendation dated 27-05-2022 in SHRC. No. 6240 / 2020 issued by the 1st



respondent, and to quash the same.

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For Petitioners:

Mr.D.Vijayan,

for Petitioner

For Respondents:

Mr.N.Subramanian, for R1,

Mr.V.Ravi,

Special Government Pleader for R2,

Mr.R.Sankarasubbu, for R3.

ORDER

(Order of the Court was made by Dr.G.Jayachandran J.)

This Writ Petition has been filed by police officials aggrieved by the recommendation of the State Human Rights Commission, which implicated them in human rights violations and causing injury to the complainant.

2. The recommendations are as below:

“(a) The Additional Chief Secretary to Government, Home Department, Secretariat, Chennai shall pay a compensation of Rs.2,90,000/- (Rupees Two Lakhs and Ninety Thousand only) to the complainant Mrs.Dhanalakshmi, W/o.Mohan residing at No.214, T.H.Road, Kaladipettai, Thiruvotriyur, Chennai-600 019, within 8 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.1,00,000/- (Rupees One



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Lakh only) from the 1st respondent; and a sum of Rs.50,000/- (Rupees Fifty Thousand only) each from the 2nd and 3rd respondents; and a sum of Rs.30,000/- (Rupees Thirty Thousand only) each from the respondents 4 to 6 respectively.

(c) The Additional Chief Secretary to Government, Home Department, Secretariat, Chennai may facilitate training the police personnel in humane ways of dealing with suspects, and their family members, especially those from the vulnerable sections.

(d) The Additional Chief Secretary to Government, Home Department, Secretariat, Chennai may initiate disciplinary action against the respondents.”

3. The State Human Rights Commission framed two points for consideration. After considering the evidence, the Commission held that the complainant was forcibly taken into custody by the police and tortured because of her son was involved in multiple theft cases. At the time of remand, the complainant and her son reported their three-day illegal detention and a physical assault to the Magistrate. The Judicial Magistrate recorded in the following words:

“Both accused produced on 16.08.2020 at 1.15 p.m., in residence. 1st accused produced through ambulance, he is in structure lying down (படுக்கை) condition. Grounds of arrest and right to engage counsel explained. 1st accused has



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bandage and two legs and he would not stand and sit. On asking reason, he was fell down from 3rd floor on 31.07.2020. Both accused stated that they were arrested in this case before 3 days that is next day of discharge of 1st accused from hospital and afterwards, they were kept in a room. 1st accused reported no complaint against police. 2nd accused reported that she was assaulted by police in her cheek. Both of them medical report were perusal. The allegation against 2nd accused is receiving of stolen goods therefore, no prima facie made out against her for offence under Section 457 and 380 IPC against her but offence under Section 411 IPC., is made out against her hence, this Court is satisfied regarding remand of her under Section 411 IPC., instead of Section 457 and 380 IPC on considering 1st accused prima facie made out regarding offence under Sections 457 and 380 IPC. Hence, A1 is hereby remanded in judicial custody for offences under Sections 457 & 380 IPC.”

Based on the contemporaneous records of the Judicial Magistrate, the oral testimony of the complainant and other factors, the State Human Rights Commission had arrived at the aforementioned conclusion.

4. In this Writ Petition, the petitioners challenge the SHRC's recommendation as improper, categorically denying any inhuman treatment or harassment of the complainant. According to the petitioners, they claimed that the arrest was proper and there was no unlawful custody. They further



contended that they adhered to all guidelines laid down by the Hon'ble Supreme Court in D.K.Basu case.

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5. However, on perusal of the materials and the findings of the SHRC, we find a clear violation of human rights. The complainant was detained for more than 24 hours without being produced before a Judicial Magistrate as per the constitutional mandate. Furthermore, physical injuries were noted by the Magistrate at the time of remand. While so, we find no grounds to interfere with the order of the State Human Rights Commission. Accordingly, *this Writ Petition stands dismissed*. Consequently, the connected Miscellaneous Petitions are closed. No costs.

6. The learned counsel appearing for the complainant/3rd respondent submitted that pursuant to the direction of the State Human Rights Commission, the Government has passed a Government Order (G.O.) and compensation has already been paid to the victim.

7. The learned Special Government Pleader appearing for the 2nd respondent submitted that in view of the interim stay granted by this Court in the writ petition, recovery process has not yet been commenced and the disciplinary proceedings will be initiated subject to the outcome of the writ petition.



8.

Since we have dismissed the Writ Petition, there is no impediment for the Government to proceed in accordance with the recommendations of the State Human Rights Commission.

(G.J.,J.) (N.S.,J.)
24-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

rpl

To

1.The Registrar

State Human Rights Commission, Thiruvaramangam,
No.143, P.S.Kumarasamy Raja Salai, Greenways Road,
Chennai-600 028.

2.The Principal Secretary to the Government

Home Prohibition and Excise Department,
Secretariat, St.George Fort,
Chennai-600 009.



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