



W.P(MD)No.21519 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.P(MD)No.21519 of 2024

P.A.Panchatchara Prabu

... Petitioner

Vs.

The Registrar,
O/o.Tamil Nadu State Human
Rights Commission,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road,
Raja Annamalai Puram,
Chennai – 600 028.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider the Case/File No.13500/22/56/2022 registered on 06.12.2022 made by the petitioner U/s.17 of the Protection of Human Rights Act,1993 relating to false case filed against him and pass orders within the time frame fixed by this Court.

For Petitioner : Ms.Benazir Begum

For Respondent : Mr.R.Karunanithi



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W.P(MD)No.21519 of 2024

ORDER

(By G.R.Swaminathan J.)

Heard both sides.

2.The petitioner herein filed a complaint dated 09.10.2022 before the Tamil Nadu State Human Rights Commission seeking action to be taken against the respondents named therein. The grievance of the petitioner is that this complaint has not yet been taken on file. Hence, this writ petition has been filed for directing the Commission to take cognizance of the petitioner's complaint and initiate action as per law.

3.A reading of the averments set out in the affidavit filed in support of the writ petition as well as the contents of the complaint, reveals that there is a dispute regarding irrigation rights. On 05.10.2022, quarrel broke out between the writ petitioner's mother on the one hand and the officials of Water Resources Department on the other. The jurisdictional Assistant Engineer lodged information before the Kallal Police Station leading to registration of Crime No.141 of 2022 under Sections 294(b), 323, 506(1) of IPC and Section 3 of TN Public Property (Prevention of Damage & Loss) Act, 1992. The writ petitioner is figuring



W.P(MD)No.21519 of 2024

as an accused in the FIR. According to him, it is a false case and that

his human rights have been violated.

4. 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”

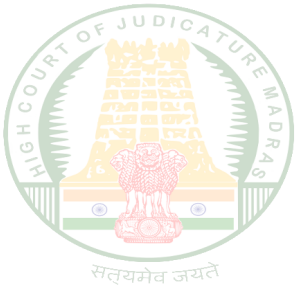
Implication in a false case definitely has a bearing on one's liberty as well as dignity. It would certainly constitute violation of one's human rights and remedy can be sought before the Human Rights Commission. But an accused cannot approach the Commission on the premise that a false case has been registered against him. The Commission cannot arrogate to itself the power to determine whether a person has been falsely implicated in a criminal case. This is a matter to be determined by the competent court in normal circumstances. But in certain cases, the executive itself might file a closure report and once it is accepted by the jurisdictional court, the affected individual can move the Commission for relief. In other words, one has to wait till it turns out that the criminal



W.P(MD)No.21519 of 2024

case registered against him is false. Registration of the case will not furnish an immediate cause of action for rushing to the Commission. It must be established that the individual was falsely implicated. Only such determination in whatever mode can enable the accused to assume the mantle of complainant and knock the doors of the Commission. Such a stage did not arrive when the writ petitioner moved the Commission or filed this writ petition.

5.A writ of mandamus can be issued only when there is failure to perform one's statutory function or duty. In the case on hand, the FIR was registered against the petitioner on 05.10.2022. The complaint was lodged on 09.10.2022 before the Commission. The petitioner had moved the Commission prematurely. The Commission was right in not taking the complaint on its file based on the averments set out in the complaint. We cannot fault the Commission. We refuse to issue a writ of mandamus. But we grant liberty to the writ petitioner to move the Commission if cause of action as mentioned above arises in his favour.



W.P(MD)No.21519 of 2024

WEB COPY 6.This Writ Petition stands disposed of. No costs.

[G.R.S., J.] [R.P, J.]
06.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA/skm

To

The Registrar,
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W.P(MD)No.21519 of 2024

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