



W.P.(MD)No.5414 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 16.02.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.P(MD)No.5414 of 2017
and
W.M.P.(MD)No.4343 of 2017**

Angel Maria Mary

... Petitioner

Vs.

1.The State Human Rights Commission Tamilnadu,
Thiruvarangam,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai - 600 028.

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

3.The Director of Medical Education,
Directorate of Medical Education,
Chennai – 10.

4.A.Rameshkumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the



W.P.(MD)No.5414 of 2017

records in SHRC Case No.2672 of 2014 & 2703 of 2014 order dated 28.06.2016 on the file of the 1st respondent and quash the same so far as petitioner is concerned.

For Petitioner : Mr.L.Shaji Chellan,
For Mr.A.David Oliver.

For Respondents : Mr.T.Amjadkhan,
Government Advocate for R2 & R3.
Mr.Pozhilan,
For M/s.Arul Vadivel @ Sekar Associates for R1.
Mr.R.Alagumani for R4

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

Heard both sides.

2.Crime No.322 of 2014 was registered on the file of Kottar Police Station against six accused under Section 399 IPC on 10.04.2014. Accused No.6 namely, Rameshkumar lodged complaint before the State Human Rights Commission, Tamil Nadu that he and his co-accused were illegally detained and brutally beaten by some named police personnel. The State Human Rights Commission found substance in the said allegation and directed the Government of Tamil Nadu to pay a sum of

2/10



W.P.(MD)No.5414 of 2017

Rs.3,00,000/- to the complainant towards compensation vide order dated 28.06.2016 in SHRC Nos.2672 and 2703 of 2014. Challenging the same, this writ petition has been filed.

3.The writ petitioner herein figured as the sixth respondent in the complaint. The writ petitioner was working as doctor in Government Hospital, Acharypallam, Kanyakumari District. According to the complainant, the writ petitioner issued false medical certificate. Paragraph Nos.24 and 29 of the impugned order read as follows:-

“24.Further, Ex.P.4, which is an extract of the admission register maintained in the District Jail, Nagercoil, it is stated that the Complainant and others were admitted as remand prisoners at about 4.20 PM of 10.04.2014 and there are descriptions of the injuries that have been found in their person. In fact, as rightly pointed out by the Counsel for the Complainant, these have been noted by an ordinary person, who is not a qualified medical professional, through his naked eye. It was also submitted that the jail authorities normally note the injuries that are found in the person of the inmates when the prisoners are admitted, as they would become liable in the eventuality of a death of the inmate due to the assault committed by the police personnel happens at later stage. The Respondents are not in a position to offer any reasonable explanation to the injuries found on them as entered in



WEB COPY



W.P.(MD)No.5414 of 2017

the said admission register A strange stand has been taken that it has been written by some unknown person. An admission register maintained at the Jail cannot be accessed by any stranger or an unauthorized person inside the prison. Further the Jail department which also comes under Uniformed Force is also an another arm of the Government and as such they cannot be expected to record false matters. It should also be borne in mind that the said entries were made immediately at 04.20 PM. as soon as the Complainant and others were admitted as prisoners in the District Jail and as such the Jail authorities could not have been influenced to falsely record the same at a later stage. This one document proves that the complainant and his friends have been assaulted badly by the 1 to 4th Respondents, after illegally confining them one day prior to the official arrest. The stand of the 6th Respondent that only a medically qualified person can issue a certificate of injury does not hold any water; in view of the fact that these are the entries made in the prison register, after observing the inmates and not a certificate issued to any person with regard to his sustaining injuries. Further an injury/contusion/abrasion or a wound can be seen by the naked eye of any person and it does not require any medical qualification.

29.The Respondents are not in a position to answer the injuries that were found on the person of PW1. Further the 6th Respondent, a Medical Officer had failed in not mentioning the injuries found on the Complainant and had issued a certificate



WEB COPY



W.P.(MD)No.5414 of 2017

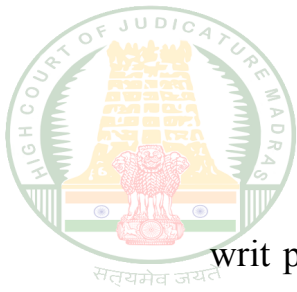
stating that he is medically fit for imprisonment. This Commission can only infer that this has been done only to appease the Police personnel, rather than discharging her duties faithfully and sincerely to the Government as a public servant.”

4.The order passed by the State Human Rights Commission has been assailed by all the respondents in the complaint individually. In this writ petition, we are concerned with the issue as to whether liability can be fastened on the writ petitioner.

5.It is seen that the accused (six in numbers) produced before the learned Judicial Magistrate No.II, Nagercoil at 02.20 pm on 10.04.2014. The order of remand passed by the jurisdictional Judicial Magistrate reads as follows:-

“All six accused produced before me at 2.20 p.m. Grounds explained and no complaint against police. Right of free legal aid explained. All 6 accused remanded to judicial custody till 24.04.2014.”

6.The accused were produced before the writ petitioner herein at 03.30 pm. Copies of the medical examination report preferred by the



W.P.(MD)No.5414 of 2017

writ petitioner have been enclosed in the additional typed set of papers.

WEB COPY

It is seen therefrom that writ petitioner herein had specifically noted the injurious found on the persons of A1 / Vijayakumar, A2 / Vinodh and A3 / Balamurugan. She however did not notice any injury on the person of the remaining three accused. In the entries found in the admission register of the jail, the injuries found on the other accused were also noted. It is this discrepancy that was adversely commented upon by the State Human Rights Commission.

7. We have to see the sequence of events. The accused were produced for remand at 02.20 pm. At that time, none of the accused made any complaint against the police. However, when they were produced before the writ petitioner at 03.30 pm, the writ petitioner found injuries on the persons of three of the accused (A1 to A3). If the writ petitioner had any motive to save the police personnel from any allegation, she would have ignored the injuries found on A1 to A3 also. The fact that the writ petitioner noted the injuries found on A1 to A3 by itself indicates that the writ petitioner was not hand in glove with the police personnel. All the accused were produced before the jail authority



W.P.(MD)No.5414 of 2017

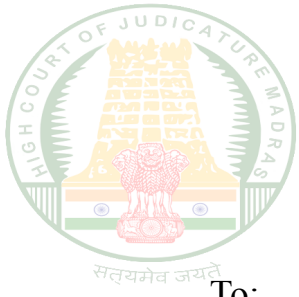
only at 04.20 pm. In other words, post-examination by the writ petitioner and till their production before the jail authority, the remaining accused were very much in the custody of the jurisdictional police. Therefore, anything could have happened after the accused left the premises of the government hospital and their production before the jail authority. All that the writ petitioner had noted was that all the accused were clinically fit for imprisonment. This was the opinion of the writ petitioner. Such opinion cannot be subjected to judicial review.

8.In view of the above, the writ petitioner could not have been faulted by the State Human Rights Commission. The adverse order passed against the writ petitioner is set aside and the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.K.M. J.)
16.02.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

7/10



W.P.(MD)No.5414 of 2017

To:
WEB COPY

- 1.The Secretary to Government,
Home Department,
Fort.St.George,
Chennai.
- 2.The Director of Medical Education,
Directorate of Medical Education,
Chennai – 10.



WEB COPY



W.P.(MD)No.5414 of 2017



WEB COPY



W.P.(MD)No.5414 of 2017

G.R.SWAMINATHAN, J.
and
R.KALAIMATHI, J.

ias

W.P(MD)No.5414 of 2017

16.02.2026
(1/2)