



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

and

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.Nos.4569 of 2023 & 17866 of 2024

WMP.Nos.4572 & 4573 of 2023 19604 &19605 of 2024

D.Babu Rajendra Bose

... Petitioner in WP.No.4569 of 2023

S.Mani

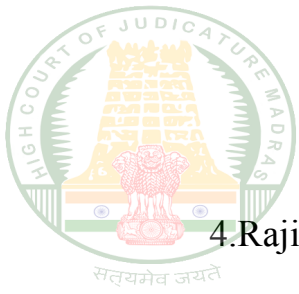
... Petitioner in WP.No.17866 of 2024

V.

1.The Tamil Nadu State Human Rights Commissioner
Rep by its Registrar
143, P.S.Kumarasamy Salai
Greenways Road
Chennai – 600028

2.The Additional Chief Secretary to Government
Home Department
Secretariat, Fort St.George
Chennai – 600 009.

3.The Director General of Police
Dr.Radhakrishnan Salai
Mylapore, Chennai – 600 004.



4.Rajinikanth

...Respondents in both cases

WEB COPY

PRAYER : Writ petition filed under Article 226 of Constitution of India to issue a Writ of Certiorari to call for the records impugned order of the 1st respondent in SHRC.No.9744 of 2013 dated 13.11.2018 and the consequential order of GO.(D).No.987 dated 14.07.2022 by the 2nd respondent and to quash the same.

For Petitioners : Mr.M.Rajasekar

For Respondents : Mr.T.C.Gopalakrishnan for R1

Mr.M.Venkateshwaran, Spl.GP for R2

Mr.M.Babu Muthu Meeran,
APP for R3

COMMON ORDER

(The Order of the Court made by Justice **M. JOTHIRAMAN**)

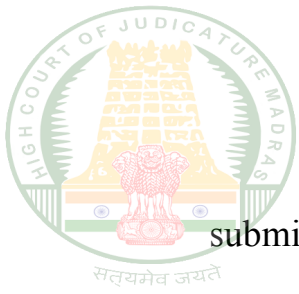
Under challenge in both the writ petitions is the order dated 13.11.2018 passed by the Tamil Nadu, State Human Rights Commission in SHRC No.9774 of 2013 and also the consequential order passed by the Additional Chief Secretary to Government of Tamil Nadu Home Department vide GO.(D).No.987 dated 14.07.2022



WEB COPY

2. The fourth respondent/Rajinikanth had filed an alleged complaint before the Tamil Nadu State Human Rights Commission alleging that he was falsely implicated in Cr.No.2046 of 2013 on the file of M3 Puzhal Police station on the basis of the complaint lodged by one Mr.Sivakumar for an alleged offence under section 420 of Indian penal code. He further alleged that on 20.12.2013 at about 3.00 AM, he was taken up to the police station and put up in the lock up and was coerced to remove all his clothes and treated in humanly with nudity. He made several allegations against (i)Babu Rajendra Bose, Inspector of Police (petitioner in WP.No.4569 of 2023) (ii)Mullaivendan, Sub Inspector of Police (iii)Mani, Sub Inspector of Police (petitioner in WP.No.17866 of 2024) (iv)Gopi, Gr.I Police Constable and (v)Karunakaran, Police Constable. Therefore, the 4th respondent/Rajinikanth constrained to file complaint against the writ petitioners and others for their inhuman activities towards him and thereby they had violated the human rights of the complainant and thereby prays the Human Rights Commission to take suitable action against them. The Tamil Nadu State Human Rights Commission has registered the case in SHRC.No.9744 of 2013.

3. The Learned counsel appearing for the writ petitioners would



submit that the impugned order of the first respondent finding that there was violation of the Human Rights by the petitioners is without any basis. The first respondent is erred in not noting the fact that the fourth respondent/Rajinikanth was charged for the offence under section 420 of Indian Penal Code in Cr.No.2046 of 2013 and the filing of charge sheet under the same was taken on file as CC.No.206 of 2017 and hence finding that the complaint lodged against the fourth respondent/Rajinikanth by one Siva Kumar is purely a civil dispute is erroneous and without any basis. The State Human Rights Commission is erred in relying upon the orders of the Hon'ble High Court held that the norms laid down by the National Human Rights Commission was violated without discussing the alleged violation of the same and hence the order impugned has to be set aside. The Learned Counsel would further submit that without any discussion with regard to the factor of fixing the monetary compensation is unsustainable under law, and consequently an issuance of Government order is also liable to be set aside.

4. Per contra, the Learned Special Government Pleader appearing for second respondent would submit that the recommendation of the



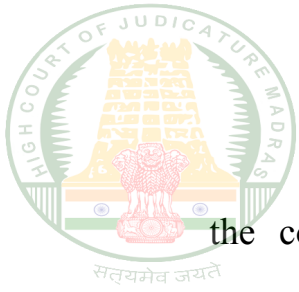
WEB COPY

Commission made under section 18 of the Act is binding and enforceable, the Commission can order for recovery of the compensation from the State and payable to the victims of the violation of Human Rights under sub clause (a)(1) of Section 18 of the Protection of Human Rights Act, 1993, and the State Government in turn could recover the compensation paid, from the officers of the State, who have been found to be responsible for crossing Human Rights violation. To strengthen his contentions he has relied on the Hon'ble full bench judgement of this court reported in **2021 (3) CTC 129, - Abdul Sattar v. Principal Secretary to the Government, Home Department, Fort St.George, Chennai – 9 and others.**

4(a). Heard the learned counsel for the first respondent and the learned Additional Public Prosecutor for the third respondent.

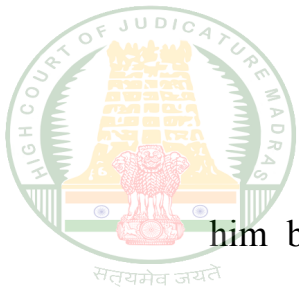
5. We have considered the rival submissions made on either side and perused the materials available on record.

6. It is seen from records one Mr.Rajinikanth has lodged a complaint before the Tamil Nadu State Human Rights Commission. In



WEB COPY

the complaint it has been stated that the complainant was falsely implicated in a criminal case in Cr.No.2046, bar 2013 on the file of M3 Puzhal Police station, on the basis of the complaint lodged by one Siva Kumar for the alleged offence under section 420 IPC. The respondent, namely 1)Mr.Babu, Rajendra Bose, Inspector of Police, 2)Mr.Mullaivendan, Sub Inspector of Police, 3)Mr.Mani, Sub Inspector of Police 4)Mr.Gopi, Grade-I Police constable and 5)Mr.Karunakaran, Police Constable. On 20.12.2013, in the early morning at about 3AM, the complainant Mr.Rajinikanth was taken to the police station and he was put in the lockup. He was coerced to remove all his clothes and subjected him in an inhuman treatment. At about 8AM, the first respondent/Mr.Babu Rajendra Bose asked him to settle the money amounting to Rs.4 lakhs and taken four (½ sovereign) gold rings, two sovereign gold bracelet, and 2 ½ sovereign gold chain. He was put in the lock up room till 22.12.2013. At 4PM, he was assaulted by the respondent and the third respondent/Mr.Mani caught hold and dragged him and hit him on his head and he was also taken near Kathirvedu bridge at about 4.30PM on 22.12.2013 and tortured him. He was remanded before the Judicial Magistrate's residence at Velacherry on 22.12.2013 at about 6.49 PM and he narrated all the torture meted out by



WEB COPY

him by the respondent. The complainant counsel is also made an attempt to file a petition under section 54 of Code of Criminal Procedure for medical treatment and the same was also refused. Thereafter the complainant was taken in Tata Magic vehicle bearing registration number TN18D-4289, and instead of proceeding to jail, stopped at a dark place near puzhal police station and asked to get down from the vehicle. The second respondent and others assaulted him and he sustained injuries. Hence, the complainant chosen to lodge the complaint before the Human Rights Commission as against the police officials for their inhuman activities towards him, and therefore they had violated the human rights of the complainant.

7. It is seen from records, Thiru.Babu Rajendra Bose is shown as first respondent and Mr.Mani is shown as third respondent before the Tamil Nadu State Human Rights Commission in SHRC.No.9774 of 2013. The writ petitioners have filed counter of affidavit, wherein they have denied all the averments set out in the complaint filed by the complainant. The complainant/R4/Mr.Rajinikanth in order to prove his case, he himself was examined as PW1 and reiterated the averments stated in the complaint. He also filed 25 documents which are marked



as Ex.P1 to Ex.P25. On the side of the respondents, Mr.Babu Rajendra Bose (petitioner in WP.No.4569 of 2023) was examined as RW1. The second respondent/Mr.Mullaivendan, Sub Inspector of Police was examined as RW2 and the third respondent/Mr.Mani, Sub Inspector of police (petitioner in WP.No.17866 of 2024) was examined as RW3 and marked three documents as Ex.R1 to Ex.R3 to disprove the case of the complainant.

8. The Tamil Nadu State Human Rights Commission after affording opportunity to both sides and upon considering the evidences and documents produced on both side comes to a conclusion that the complainant Mr.Rajinikanth had suffered the humiliation at the hands of Mr.Babu Rajendra Bose, Inspector of Police and Mr.Mani, Sub Inspector of Police which amounted to violation of his rights, personal, liberty and dignity, the complainant is entitled to get compensation. Further, it is held that though the government of Tamil Nadu is vicariously liable to pay the compensation for the employee, the Government shall recover the same from the said Mr.Babu Rajendra Bose and Mr.Mani. The Tamil Nadu State Human Rights Commission in its order dated 13.11.2018 recommended as follows :- (i)the Government of Tamil Nadu shall pay a



compensation of Rs.1,00,000/- to the complainant/Mr.Rajinikanth within a period of four weeks from the date of receipt of the order and (ii)the Government shall recover the said amount of Rs1,00,000/- from the Babu Rajendra Bose and Mani as per the rules and regulations. The Government of Tamil Nadu considered the above said recommendations and accepted the same. Accordingly, the Government accorded sanction for the sum of Rs.1,00,000/- towards payment of compensation to the complainant/Rajinikanth vide G.O.(D)No.987 dated 14.07.2022.

9. At this juncture, it is relevant to cite the provisions of Protection of Human Rights Act, 1993 :-

12. Functions of the Commission.-

The Commission shall perform all or any of the following functions, namely:-

(a) inquire, suo motu or on a petition presented to it by a victim or any person on his behalf, into complaint of -

(i) violation of human rights or abetment thereof; or

(ii) negligence in the prevention of such violation, by a public servant;



WEB COPY

(b) intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;

(c) visit, under intimation to the State Government, any jail or any other institution under the control of the State Government, where Demons are detained or lodged for purposes of treatment, reformation or protection to study the living conditions of the inmates and make recommendations thereon;

(d) review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation;

(e) review the factors, including acts of terrorism, that inhibit the enjoyment of human rights and recommend appropriate remedial measures;

(f) study treaties and other international instruments on human rights and make recommendations for their effective implementation;



WEB COPY

(g)undertake and promote research in the field of human rights;

(h)spread human rights literacy among various sections, of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means;

(i)encourage the efforts of non-governmental organisations and institutions working in the field of human rights;

(j)such other functions as it may consider necessary for the promotion of human rights.

13. Powers relating to inquiries.

(1) The Commission shall, while inquiring into complaints under this Act, have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), and in particular in respect of the following matters, namely:-



WEB COPY



(a) summoning and enforcing the attendance of witnesses and examining them on oath;

(b) discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses or documents;

(f) any other matter which may be prescribed.

(2) The Commission shall have power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of the inquiry and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 and section 177 of the Indian Penal Code (45 of 1860).

(3) The Commission or any other officer, not below the rank of a Gazetted Officer, specially authorised in this



WEB COPY



behalf by the Commission may enter any building or place where the Commission has reason to believe that any document relating to the subject matter of the inquiry may be found, and may seize any such document or take extracts or copies therefrom subject to the provisions of section 100, of the Code of Criminal Procedure, 1973 (2 of 1974), in so far as it may be applicable.

(4) The, Commission shall be deemed to be a civil court and when any offence as is described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code (45 of 1860). is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1973 (2 of 1974), forward the case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973.



WEB COPY

(5) Every proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of section, 193 and 228, and for the purposes of section 196, of the Indian Penal Code (45 of 1860), and the Commission shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

10. It is not in dispute that Mr.Siva Kumar lodged a complaint before the M3 Puzhal police station on 17.12.2013 and inturn the third respondent Mr.Mani/Sub Inspector of police had registered the case in Cr.No.2046 of 2013 for the offences under section 420 Indian penal code as alleged by the complainant. The remand report submitted by the Mr.Mani/3rd respondent to the Judicial Magistrate Thiruvotriyur dated 22.12.2013 is marked as Ex.P4 before the Commission. It is seen from the document Ex.P4, Mr.Rajinikanth made complaint against the respondent police before the Judicial Magistrate at about 6.30 PM on 22.12.2013 and filed written complaint towards his arrest. In Ex.P4 the following orders has been passed :- “Accused produced on 22.12.2013 at 6.30PM. He made complaint against police. Written complaint given by



accused. Ground of arrest informed. Arrest informed to his relatives.

Accused stated he was beaten by police, in his back hand. But no visible injury in his body. Prima facie case made out against accused. Remand till 03.01.2014.”

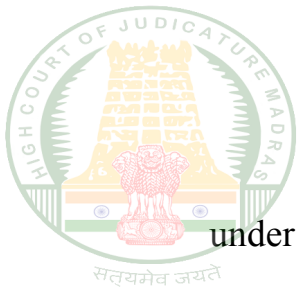
11. The 4th respondent/Mr.Rajinikanth also lodged the complaints before the Commissioner of police, Chennai and other higher officials and the copy of the said complaints were exhibited as Ex.P5 to Ex.P14 and the acknowledgments were exhibited as Ex.P15. Further, it is seen from records, the 4th respondent/Mr.Rajinikanth filed the petition in Crl.OP.No.27030 of 2017 against the Inspector of police and the same was allowed by the Court by its order dated 15.12.2017, directing the police to register a criminal case and dispose the same in accordance with law. The complainant Mr Rajinikanth also filed a writ petition in WP.No.35228 of 2013 against the Superintendent of Central Prison to provide proper medical treatment at the Rajiv Gandhi Government Hospital and pass an order of direction to the Inspector of Police to return back his jewels and also to provide protection to his life and this Court has passed the following order on 12.02.2018 :-



WEB COPY

“However, liberty is given to the petitioner to seek protection to his life and if any any representation is given by the petitioner, the respondent shall consider the same and pass appropriate orders.”

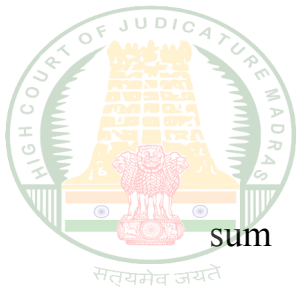
12. The respondent police officials produced Ex.R2 outpatient receipt for the 4th respondent/Mr.Rajinikanth before the Commission. But neither the signature of the Doctor nor the seal of the hospital was not visible. They said outpatient medical certificate was not produced before the Judicial Magistrate at the time of remand. It is pertinent to note that if really the respondent police have provided medical examination to the 4th respondent/Rajinikanth by the Doctor in the Government Hospital, then they ought to have been produced medical certificate before the Judicial Magistrate at the time of remand. But the same was not produced. Further it is seen from records, during the cross examination, the respondent officials admitted that the complainant Mr.Rajinikanth at the time of remand made a complaint against them and the said fact was also recorded by the Magistrate in his order. It is pertinent to mention that the 4th respondent/Rajinikanth counsel also filed an application



WEB COPY

under section 54 of Code of Criminal Procedure for giving treatment to him, but the same was not entertained by the Magistrate. The State Human Rights Commission after conducting enquiry comes to a conclusion that it is seen from the oral and documentary evidence of the parties, complainant/4th respondent/Mr.Rajinikanth was tortured and arrested by the police. Though there is no serious injury to Mr.Rajinikanth, the torture made out him is a mental torture and the same also amounts to violation of Human Rights. Further, the Human Rights Commission finds that there is no specific allegation against Mullaivendan, Gopi and Karunakaran and how they had violated the human rights of the complainant, the complaint against them was dismissed.

13. It is seen from records the State Human Rights Commission has passed an order in SHRC.No.9774 of 2013 dated 13.11.2018 and the Government of Tamil Nadu considered the recommendation of State Human Rights Commission and accepted the same vide GO.(D).No.987 dated 14.07.2022. Accordingly the Government accorded sanction for a



WEB COPY

sum of Rs.1,00,000/- towards payment of compensation to the complainant/4th respondent/Mr.Rajinikanth as recommended by the State Human Rights Commission. Further it was also directed to the Director General of police to take necessary action to recover an amount of Rs.50,000/- each from the said Thiru.Babu Rajendra Das and Mr.Mani by following the procedure prescribed by the by this court order dated 05.02.2021 in WP.No.41791 of 2006 etc batch cases.

14. It is pertinent to mention that though the writ petitioners have suffered from the order of State Human Rights Commission on 13.11.2018 itself, however they have not chosen to challenge the same till the Government of Tamil Nadu has passed an order, by accepting the recommendations made by the State Human Rights Commission vide order dated 14.07.2022. It is also pertinent to mention that even though the government order came to be passed on 14.07.2022, the present writ petition came to be filed only during February 2023 (WP.No.4569 of 2023) and June 2024 (WP.No.17866 of 2024) before this court. At this juncture, it is relevant to refer the Hon'ble Full bench judgement of this Court reported in *2021 (3) CTC 129 – Abdul Sathar v. Principal Secretary to Government, Home Department, Fort St.George, Chennai*



-9 and others where in it has been held in paragraph 490(i) as follows :-

WEB COPY

“Ans: The recommendation of the Commission made under Section 18 of the Act, is binding on the Government or Authority. The Government is under a legal obligation to forward its comments on the Report including the action taken or proposed to be taken to the Commission in terms of sub-clause (e) of Section 18. Therefore, the recommendation of the H.R. Commission under Section 18 is an adjudicatory order which is legally and immediately enforceable. If the concerned Government or authority fails to implement the recommendation of the Commission within the time stipulated under Section 18(e) of the Act, the Commission can approach the Constitutional Court under Section 18(b) of the Act for enforcement by seeking issuance of appropriate Writ/Order/Direction. We having held the recommendation to be binding, axiomatically, sanctus and sacrosanct public duty is imposed on



WEB COPY



the concerned Government or authority to implement the recommendation. It is also clarified that if the Commission is the Petitioner before the Constitutional Court under Section 18(b) of the Act, it shall not be open to the concerned Government or authority to oppose the Petition for implementation of its recommendation, unless the concerned Government or Authority files a Petition seeking Judicial Review of the Commission's recommendation, provided that the concerned Government or Authority has expressed their intention to seek Judicial Review to the Commission's recommendation in terms of Section 18(e) of the Act.”

15. This Court is of the view that the police officials have a critical role in maintaining the law and order, while upholding human rights. Their duties include i)protecting citizens ii)upholding the laws and iii)maintaining tranquility. The police officials must respect human



dignity, avoid discrimination and protect vulnerable groups. The police officials must adhere to human rights standing orders to build trust, prevent abuse and promote accountability. By upholding human rights, police officials shall effectively perform their duties, while respecting citizen's fundamental rights and dignity.

16. By applying the ratio laid down by the Hon'ble Full Bench in **2021 (3) CTC 129** (cited supra), the State Human Rights Commission which has been assigned a constitutional role with statutory backing, its recommendations are not liable to be ignored. It is needless to mention that any act done by the officials of the Government in violation of the Human Rights then the Government either directly or vicariously liable for the act done by the officials. Since there was no challenge to the recommendations given by the state human rights commission by the government in terms of section 18(e) of the Act.

17. In the light of the above discussions, we are of the view that there is no reason to interfere with the impugned order dated 13.11.2018 passed by the first respondent in SHRC.No.9744 of 2013 and the GO.(D).No.987 dated 14.07.2022 passed by the second respondent.



There is no merit in these writ petitions and the same are liable to be dismissed.

18. In the result, both the writ petitions are dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

(J.N.B., J.)
12.06.2025.

(M.J.R., J.)

tsh

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

To

1.The Tamil Nadu State Human Rights Commissioner

Rep by its Registrar

143, P.S.Kumarasamy Salai

Greenways Road

Chennai – 600028

2.The Additional Chief Secretary to Government

Home Department

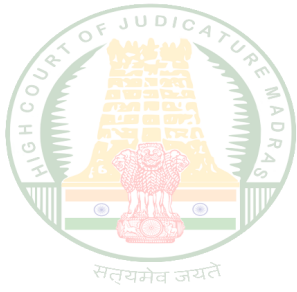
Secretariat, Fort St.George

Chennai – 600 009.

3.The Director General of Police

Dr.Radhakrishnan Salai

Mylapore, Chennai – 600 004.



WEB COPY



WP.Nos.4569 of 2023 & 17866 of 2024

J. NISHA BANU. J.

and

M. JOTHIRAMAN.J.

tsh

Common Order in

W.P.Nos.4569 of 2023 & 17866 of 2024

12.06.2025.