



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF FEBRUARY, 2023

BEFORE

THE HON'BLE MS JUSTICE JYOTI MULIMANT

WRIT PETITION NO. 51993 OF 2015 (GM-RES)

BETWEEN:

SHRI. SIDDALINGAPPA S.T.,

...PETITIONER

(BY SRI. SAGAR, ADVOCATE FOR
SRI. DEEPAK J., ADVOCATE)

AND:

1. KARNATAKA STATE HUMAN RIGHTS COMMISSION,
4TH FLOOR, 5TH STAGE,
M S BUILDING, AMBEKDAR VEEDHI,
BANGALORE - 560 001.
REPRESENTED BY ACTING PRESIDENT.
2. SRI K.A. APPANNA

...RESPONDENTS

(BY SRI. GOPALKRISHNA SOODI, ADVOCATE FOR R1;
VIDE ORDER DATED 24.08.2016 NEED TO BRING THE
LRs OF DECEASED R2 DOES NOT ARISE)

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Location: HIGH
COURT OF
KARNATAKA



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING FOR 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Sri.Sagar., learned counsel., for the petitioner has appeared in person.

Sri. Gopalkrishna Soodi., learned counsel for respondent No.1 has appeared through video conferencing.

2. The brief facts are these:

It is stated that the petitioner was working as Circle Inspector at D.R.B.C Branch, Chikkaballapur at the time of the alleged incident. Later, he was promoted and he was posted at C.I.D, Bengaluru Branch, Bengaluru.

It is averred that the second respondent telephoned the petitioner on 26.09.2010 and informed him that on 19.09.2010 that while having food at the LVT Daba, he had a scuffle with a person named Mr.Lakshmikanth and 15 others concerning the payment of commission for purchasing land. The second respondent requested the petitioner to register a case based on the complaint given to the Doddaballapur Police Station. Based



on the request, the petitioner telephoned the PSI Mr.Rajendra Kumar, and instructed him to take necessary action. Pursuant to the complaint given by the second respondent on 26.09.2010 the Police Sub-Inspector -Mr.Rajendra Kumar., filed FIR in Cr.No.107/2010 for the alleged offences punishable under Sections 143, 147, 148, 342, 323, 324, 506(b), 327 read with Section 149 of IPC against Mr.Lakshmikanth and fifteen others.

Thereafter, the PSI being the Investigating Officer, conducted the investigation and filed a charge sheet with Addl. Civil Judge and JMFC, Doddaballapur. Based on the charge sheet, the Court conducted proceedings and passed the Judgment acquitting the accused Mr.Lakshmikanth on 15.07.2013.

As things stood thus, Sri.K.A.Appanna - the second respondent filed a complaint with the Karnataka State Human Rights Commission against the petitioner and Mr.Rajendra Kumar, the PSI of Doddaballapur. Based on the complaint, the Commission sent a copy of the complaint to the Inspector General of Police, Karnataka Human Rights Commission for



conducting an inquiry and to submit a report. Accordingly, the IGP, KHRC after conducting an inquiry, submitted a report. Based on the report submitted by IGP, KHRC proves the charges only against Mr.Rajendra Kumar, PSI Doddaballapur. The Commission issued notice to Mr.Rajendra Kumar on 30.04.2012 to give a written reason for the report submitted by the Inspector General of Police, Karnataka Human Rights Commission. Accordingly, Mr.Rajendra Kumar submitted a written statement of reason justifying his actions. Subsequently, the Commission based on the complaint, report of IGP, KHRC, and a written statement of reason by Mr.Rajendra Kumar, PSI Doddaballapur vide order dated 20.06.2015. imposed a fine of Rs.10,000/- (Rupees Ten Thousand only) not only on Mr. Rajendra Kumar's PSI but also on the petitioner.

Under these circumstances, the petitioner left with no other alternative and efficacious remedy is filing this Writ Petition under Articles 226 and 227 of the Constitution of India.

Learned counsel for the petitioner and respondent No.1 urged several contentions.



4. Heard, the contentions urged on behalf of the respective parties and perused the Writ papers and also the Annexures with utmost care.

Sri.Sagar., learned counsel for the petitioner vehemently contended that the petitioner being the Circle Inspector has discharged his duties honestly and obediently. He argued that the moment the petitioner received a telephone call from the complainant – the second respondent, he properly instructed the PSI Mr.Rajendra Kumar to act in accordance with the law. He argued by saying that under his direction, the PSI filed FIR in Crime No.107/2010. Hence, there is no dereliction of duty as noticed by the Commission. Counsel, therefore, submits that the order passed by the Commission imposing a penalty of Rs.10,000/- (Rupees Ten Thousand only) on the petitioner is untenable.

By way of answer, Sri.Gopalkrishna Soodhi., learned counsel for Commission submits that the Commission has found that the petitioner being the Circle Inspector has not discharged his duties properly. Hence, taking note of the material evidence on record, in particular the statements which



are recorded before the Commission, the Commission justified in imposing a penalty. Counsel, therefore, sought to justify the order passed by the Commission.

The short point which arises for my consideration is:

Is the imposition of a penalty on the petitioner just and proper?

The facts have been sufficiently stated and the same does not require reiteration.

Suffice it to note that the petitioner being the Circle Inspector received a telephone call from the second respondent. A request was made by the second respondent to register a case based on his complaint. It is seen from the records that the petitioner being the Circle Inspector instructed the Police Sub-Inspector - Mr.Rajendra Kumar on the very same day and directed him to take necessary action.

The second respondent gave the complaint on 26.09.2010. Thereafter, the PSI Mr.Rajendra Kumar filed an FIR in Cr.No.107/2010. It is pivotal to note that the Investigating Officer conducted an investigation and filed a charge sheet with the Addl. Civil Judge and JMFC,



Doddaballapur. The Court conducted proceedings and the same was ended in the order of acquittal of the accused Mr.Lakshmikanth.

As things stood thus, for the best reasons known to the second respondent, complained to the Karnataka Human Rights Commission that there is a dereliction of duty by the petitioner. It is further relevant to note that based on the complaint, the Commission proceeded in the matter. In my opinion, the giving of the complaint and the initiation of the proceedings by the commission is unsustainable in law. The reason is quite simple. Proceedings before the appropriate forum have been concluded. It is pivotal to note that the order of acquittal was passed by the court. If the second respondent had any grievance or was not satisfied with the order of acquittal of Mr.Lakshmikanth, the proper course would have been in a different Forum altogether. Furthermore, even the finding of the commission that the petitioner has not instructed the PSI in writing is wholly incorrect and untenable. It is common sense that the Circle Inspector is higher in ranking than the Police Sub-Inspector. Based on a telephone call the petitioner has



directed the official concerned i.e., PSI Mr.Rajendra Kumar to act in accordance with the law.

It is needless to observe that legal action was set in motion and the Court has passed the Judgment as per the law. Therefore, in my opinion, there is no dereliction of duty as alleged by the complainant. I may venture to say that the commission has failed to have regard to relevant considerations and disregarded relevant matters. In my considered opinion, the imposition of penalty so far as the petitioner is concerned is unsustainable in law. Hence, the same is liable to be set aside.

The result is that the Writ Petition will be allowed. This court orders a writ of Certiorari. The order dated:20.06.2015 passed by the Human Rights Commission in H.R.C.No.4860/2011(SB-1) vide Annexure-A imposing a penalty of Rs.10,000/- (Rupees Ten Thousand only) in so far as the petitioner is concerned is set-aside.

Resultantly, the Writ Petition is **allowed**.

**Sd/-
JUDGE**

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List No.: 2 SI No.: 8