NC: 2025:KHC:4634
WP No. 11984 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

WRIT PETITION NO. 11984 OF 2023 (GM-RES)

BETWEEN:

VASANTH KUMAR. M
S/O LATE M VIRUPAKSHAPPA,
AGED ABOUT 43 YEARS,
POLICE INSPECTOR,
NO.405, V.V. PALLOTTI-2 APARTMENT,
NEAR SAINT VINCENT PALLOTTI SCHOOL,
BABUSAB PALYA, HENNUR, BANGALORE-560 043.

…PETITIONER

(BY SRI. SWAROOP ANAND R.,ADVOCATE)

AND:

1. KARNATAKA STATE HUMAN RIGHTS COMMISSION
   MULTI STORIED BUILDINGS, BANGALORE-560 001.
   REPRESENTED BY ITS MEMBER.

2. ADDL., DIRECTOR GENERAL OF POLICE,
   KARNATAKA STATE HUMAN RIGHTS COMMISSION,
   2ND FLOOR, 5TH STAGE,
   MULTI STORIED BUILDING,
   BANGALORE-560 001.

3. DEPUTY SUPERINTENDENT OF POLICE
   KARNATAKA STATE HUMAN RIGHTS COMMISSION,
   2ND FLOOR, 5TH STAGE,
   MULTI STORIED BUILDING,
   BANGALORE-560 001.

4. SMT. JAYALAKSHMI W/O ASHWATHNARAYAN D.N.,
   AGED ABOUT 57 YEARS,
   R/O NANJAPPA GARDEN, BABUSAB PALYA,
   BANGALORE – 560 043.

…RESPONDENTS

(BY SRI. GOPALKRISHNA SOODI.,ADVOCATE FOR R1 TO R3;
SRI. AKASH V T., ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASHING THE REPORT DTD 04/05/2022 BEARING NO IPG/HRC/13/2022 SUBMITTED BY R3 AS AGAINST THE PETITIONER HEREIN, PRODUCED AT ANNEXURE D AND QUASHING THE REPORT DT 26/05/2022 BEARING NO IPG/HRC/13/2022 R2 AS AGAINST THE PETITIONER HEREIN, PRODUCED AT ANNEXURE E AND ETC.,

THIS WRIT PETITION, COMING ON FOR FINAL DISPOSAL, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE KRISHNA S DIXIT

ORAL ORDER

Petitioner-Police Officer is knocking at the doors of Writ Court with the following principal prayers:

> *"I. Issue a writ of certiorari or any other appropriate writ, quashing the Report dt: 04.05.2022 bearing No.IPG/HRC/13/2022 submitted by Respondent no.3 as against the Petitioner herein, produced at annexure D.*
>
> *II. Issue a writ of certiorari or any other appropriate writ, quashing the Report dt: 26.05.2022 bearing No.IPG/HRC/13/2022 Respondent No.2 as against the Petitioner herein, produced at annexure E and*
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> *III. Issue a writ of certiorari or any other appropriate writ, quashing the order dt: 24.08.2022 in HRC No.4213/10/31/2021(B-2) passed by Respondent no.1 as against the Petitioner herein produce at annexure F and*
>
> *IV. Issue a writ of certiorari or any other appropriate writ, quashing the order dt: 13.02.2023 in HRC No.4213/10/31/2021(B-2) passed by Respondent*

no.1 as against the Petitioner herein produce at annexure H."

2. Learned counsel for the petitioner submits that the incident in question happened on 27.11.2021 and the FIR came to be lodged by the 4th respondent only on 29.11.2021 at 9.15 pm and that accordingly, Crime No.226/2021 is registered by the petitioner. On the same day, one Mr.Prakash S/o Shankar Reddy also filed a counter FIR at around 9.45 pm and therefore, Crime No.227/2021 is also registered. He submits that in view of Apex Court decision in ***LALITA KUMARI vs. GOVERNMENT OF UTTAR PRADESH****, (2014) 2 SCC 1*, it is open to the Station House Officer to hold preliminary enquiry to ascertain *prima facie* truthfulness of the allegations and in that, some time might have been spent; therefore, the complaint of 4th respondent before the Karnataka State Human Rights Commission (KSHRC) could not have been entertained at all. He also draws attention of the court to the compounding/compromise recorded by & between the parties in a Deed of Confirmation dated

29.8.2022 whereunder, 4th respondent-complainant has received a sum of Rs.25 lakh by the Demand Draft and closed the disputes/allegations including the subject ones involved herein. So contending, he seeks grant of the relief as prayed for.

3. Learned Senior Panel Counsel appearing for the respondent-KSHRC opposes the petition contending that the report of KSHRC is only recommendatory in nature and it is not enforceable *proprio vigore*; it is always open to the petitioner-Police Officer to submit his explanation to the State Government who would consider the same on the basis of the report. Learned Panel Counsel places reliance on the Coordinate Bench decision in ***C.GIRISH NAIK AND OTHERS vs. STATE OF KARNATAKA AND OTHERS****, 2024 SCC OnLine Kar 25* in support of the said submission. So contending, he seeks dismissal of the Writ Petition.

4. Having heard the learned counsel for the parties and having perused the Petition Papers, I am inclined to

grant indulgence in the matter inasmuch as there is absolutely no delay in registering either Crime No.226/2021 on the basis of the FIR lodged by respondent No.4 or in registering Crime No.227/2021 on the basis of FIR lodged by one Mr.Prakash S/o Shankar Reddy. The FIRs disclose the time of lodging and other particulars, although the incident is said to have happened on 27.11.2021.

5. The other reason for granting relief to the petitioner is that the disputes between the 4th respondent and Prakash S/o Shankar Reddy have been amicably settled by virtue of registered Deed of Confirmation dated 29.8.2022, a copy whereof is produced at Annexure-G to the petition. At paragraph 17 of the said Deed, the compromise in consideration of Rs.25 lakh received by the 4th respondent herein is recorded. The same reads as under:

> *"The party of the **SECOND PART** taking note of the various litigation launched by the Parties of the **FIRST PART,** on this day has paid a sum of*

*Rs.25,00,000/- (Rupees Twenty-Five Lakhs Only) to the Sl.No.1 Party of the **FIRST PART** in the manner stated below;*

*a. A sum of **Rs.25,00,000/- (Rupees Twenty-Five Lakhs Only)** has been paid by the **Party of the SECOND PART** to the **Sl.No.1 Party of the FIRST PART namely Smt. G. Jayalakshmi,** by way of a Demand Draft bearing No.070485, drawn on Axis Bank, Kalyan Nagar Branch, dated 25.08.2022…"*

6. There is force in the submission of learned Panel Counsel for the KSHRC that the report of the KSHRC is only recommendatory. However, it is likely to generate some affliction to the petitioner herein which may affect his service career. It is told at the Bar that a disciplinary enquiry on the basis of this Report is also on. This is not a happy thing to happen and therefore, petitioner needs to be relieved from that too.

In view of the above, this petition is allowed; a Writ of Certiorari issues quashing the impugned reports of the KSHRC dated 4.5.2022 & 26.05.2022 and the orders passed by respondent No.1; as a consequence, the

pending disciplinary enquiry against the petitioner is closed in his favour.

The able assistance rendered by learned Panel Counsel Sri.Gopalkrishna Soodi appearing for the KSHRC is appreciated.

Costs made easy.

Sd/-
(KRISHNA S DIXIT)
JUDGE

cbc
List No.: 1 Sl No.: 9