



CNR: KAHC010062032022

NC: 2026:KHC:39584
WP No. 3090 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 3090 OF 2022 (GM-RES)

BETWEEN:

SRI ABDUL KARIM RAWTHER
S/O LATE M ABBAS
AGED ABOUT 56 YEARS
R/AT NO.95, MAHADEVPET ROAD
MADIKERI TOWN
KODAGU, KARNATAKA - 571 201.

...PETITIONER

(BY SRI. PRATEEK CHANDRAMOULI.,ADVOCATE)

AND:

1. KARNATAKA STATE HUMAN
RIGHTS COMMISSION
1ST -4TH FLOOR,
MULTI -STOREYED BUILDING
5TH PHASE, DR B R AMBEDKAR VEEDHI
BENGALURU - 560 001
REP BY ITS CHAIRMAN.
2. GOVERNMENT OF KARNATAKA
THROUGH ITS CHIEF SECRETARY
VIDHANA SOUDHA
DR. B R AMBEDKAR VEEDHI
BENGALURU - 560 001.
3. SMT SAYEEDA ZABIN TAJ
W/O MOHAMMED HAFIZ
R/A OLD NO.132/133, NEW NO.44
NEAR CLASSIC SCHOOL, UDAYGIRI

Digitally
signed by
SUMA B N
Location:
HIGH
COURT OF
KARNATAKA



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MYSORE - 570 019.

...RESPONDENTS

(BY SRI. AKKAMAHADEVI HIREMATH, ADVOCATE FOR R1;
SRI. M. SRINIVAS KUMAR, HCGP FOR R2;
SRI. MOHAMMED TAHIR., ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 02.09.2021 WITH REGARD TO THE PETITIONER HEREIN PASSED BY THE R-1 AT ANNEXURE-A.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

1. Petitioner is before this Court being aggrieved by the opinion, report and recommendations dated 16/19.04.2021 proposed by the respondent No.1- Karnataka State Human Rights Commission.
2. Brief facts of the case are that while petitioner was serving as a Police Inspector in Mysore Rural Circle between 05.08.2017 till 12.11.2019, there was a case in Crime No.153/2018 registered by the PSI of Yelawala Police Station for the offence punishable under Section 392 of IPC involving snatching of a gold chain from the



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neck of certain Puttamma. Prior to the registration of the said case, there was another case registered in Crime No.8/2018 for similar offence. On investigation, it was found that all these offences are being committed by one gang of mobsters. A team was formed to find out the accused persons who involved in this series of crimes.

3. That petitioner on instructions formed two teams comprised of ASI Sri Prabhakar of KR Nagar Station, Satheesh HC-131 of Bailu Kuppe Station, Manjunatha HC-220 of Bettadapura Station, Harishkumar HC-224 of Varuna Station, Jahur Ahamad HC-244 of Mysore South Station, Ravikumar HC-253 and Mahesh Kumar PC-185 of Ilvala Station, Ashok PC-11 and Bhaskar PC-88 of Jayapura Police Station and of the petitioner himself.
4. The said teams learnt that one Ayub was the lynchpin, who had conspired with another Mohammed Javidh and Devaram in committing the said offences. The said persons always sold the snatched gold chains to one Mohammed Hafiz, who was running a Shariff Jewellery shop located at Meena Bazar, Mysore. That 9 chains were



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purchased by said Mohammed Hafiz at a price lesser than the market rate from the accused persons. Accordingly, the team found said Mohammed Hafiz, owner of Shariff Jewellery Shop at his residence in Udayagiri, Mysore and took him to custody.

5. During the course of investigation said Mohammed Hafiz had informed that one Syed Ayub had sold 9 stolen gold chains, claiming the same belonging to his wife and mother and they were kept in his jewelry shop. They were produced before the Jurisdictional Court following the procedure prescribed under Cr.PC.
6. Upon the request, the jurisdictional Court granted custody of the Syed Ayub and Mohammed Hafiz to the police for further investigation. When they were produced before the Court, they did not complain of any illegal detention, torture or untoward actions by the petitioner.
7. By order dated 20.08.2018, the Court had granted police custody for 2 days. Petitioner had never come in contact with said person in the intervening period. Petitioner



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neither involved in searching the body of the said Mohammed Hafiz or assaulting him in any manner. He was taken to custody by the members of the team which was formed.

8. On 21.08.2018 said Mohammed Hafiz had taken petitioner and his staff to his shop which was locked and was opened by his brother. Said Mohammed Hafiz presented 9 gold chains weighing 230 grams which were seized under panchnama. Accordingly, said Mohammed Javidh, Ayub and Devaram, were arraigned as accused Nos. 1, 2 and 3 respectively. Thus, it was established Mohammed Hafiz had continuously been purchasing gold chains from the said accused persons.
9. Case against said Mohammed Hafiz was not of snatching but of receiving the stolen property. A charge sheet was filed only for the offence under Section 411 of IPC against Mohammed Hafiz.
10. The wife of Mohammed Hafiz in the meanwhile had filed a complaint before the respondent No.1-Human Rights



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Commission alleging petitioner herein and two other members of the staff had arrested her husband Mohammed Hafiz on 28.07.2018 at 11.00 a.m. and had further alleged on the same day he was subjected to extreme third degree torture and subjected him to physical assault and that the petitioner herein had forced him to give 400 grams of gold. Besides, foisting a false case against him. It is alleged that on 05.08.2018 petitioner and his staff had barged into the house of said Mohammed Hafiz, verbally abused him and his family members.

11. Based on the said allegations, a case in HRC No. 4015/10/15/2018 connected with 3612/10/15/2018-(SB-3) was registered and the enquiry was proceeded. After the enquiry, by the impugned order dated 19.04.2021 respondent No.1-Commission recommended Chief Secretary, Home Department to recover sum of ₹50,000/- from the petitioner as compensation payable to said Mohammed Hafiz and his wife. In addition, a departmental enquiry is also recommended to be initiated



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against the petitioner in terms of KSP (DC) Rules 1965.

Being aggrieved, present petition.

12. Learned counsel appearing for the petitioner taking this Court through the record submits;

(a) that there are glaring errors, irregularities and illegalities in the respondent No.1-Commission coming to the conclusion of petitioner being guilty of violation of human rights.

(b) He specifically refers to page 7 of the report and submits that even according to the complaint, said Mohammed Hafiz was taken by certain Zahoor, Satheesh to the police station wherein petitioner herein and 3 to 4 other police personnel were present. He also points out to the allegations of petitioner herein along with the said 3 to 4 persons, tying his limbs by a rope and assaulting him on his back, legs and on his stomach.

(c) He also further refers to contents of page 9 of the said report, wherein a statement is made by said Mohammed Hafiz that action to be initiated against the



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petitioner herein and two other personnel namely, Satheesh and Zahoor.

(d) Thus, referring to these contents of the report, he submits that when according to the complainant and said Mohammed Hafiz, petitioner herein along with said Zahoor, Satish and 3 to 4 others had allegedly assaulted him, the respondent No.1-Commission was not justified in recommending action to be taken only against the petitioner while letting the other persons off the hook which amounts to discrimination and disproportionality warranting interference at the hands of this Court.

(e) He relies upon the judgment of the Division Bench of Delhi High Court in the case of **KIRAN SINGH VS. NATIONAL HUMAN RIGHTS COMMISSION AND OTHERS¹**, and referring to paragraphs 48 to 55, submits that it is settled position of law, a recommendation made by the Human Rights Commission has a substantive evidentiary value and the same cannot be taken lightly and since no appeal is provided under the Act, the

¹ 2025 SCC Online Del 430



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aggrieved party has only remedy under the writ petition, wherein the questions of facts also needs to be gone into. He further submits the petitioner is now retired and therefore no purpose will be served in subjecting the petitioner for any enquiry based on perfunctory report. Hence, seeks for allowing the petition.

13. Per contra, learned counsel appearing for the respondent No.1-Human Rights Commission submits that the enquiry report as per Annexure- A is exhaustive. It has found the involvement of the petitioner in subjecting the victim to physical torture under the guise of investigation. That mere letting off of certain police personnel would not be a ground for interference.
14. In any event, Annexure-A is only a report recommending proposed action to be taken against the petitioner, which ultimately has to be taken note and accept by the respondent-State and the petitioner would have ample opportunity to raise all these grounds which would be taken into consideration before passing appropriate orders. Hence, seeks for rejection of petition.



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15. Heard. Perused the records.
16. Admittedly, investigation into the incident of chain snatching pursuant to registration of a case in Crime No.153/2018 was assigned and was being conducted by the petitioner. There is also no dispute of the fact that petitioner had indeed formed 2 teams to find and search out the accused persons. Even according to the petitioner, the allegation against said Mohammed Hafiz was of he receiving the stolen property and not of he involving in any manner in commission of the offence of chain snatching.
17. The respondent No.1-Commission at page 41 has given the following finding;

"ದೂರರ್ಜಿಗಳು, ವರದಿಗಳು, ದೂರುದಾರರ ಹಾಗೂ ಎದುರುದಾರರ ಹೇಳಿಕೆಗಳು ಹಾಗೂ ಪ್ರಕರಣಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ದಿನಾಂಕ 28-07-2018 ರಂದು ಮೈಸೂರು ಸೌತ್ ಪೊಲೀಸ್ ಠಾಣೆಯ ಪೊಲೀಸ್ ಸಿಬ್ಬಂದಿಗಳಾದ ಶ್ರೀ ಜಹೂರ್ ಹಾಗೂ ಶ್ರೀ ಸತೀಶ್ ರವರುಗಳು ದೂರುದಾರರ ಗಂಡನಾದ ಮೊಹಮದ್ ಹಫೀಜ್ ರವರನ್ನು ಕರೆದುಕೊಂಡು ಸಿ.ಪಿ.ಐ ಆದ ಶ್ರೀ ಕರೀಂ ರಾವ್‌ತರ್ ರವರ ಮುಂದೆ ಹಾಜರುಪಡಿಸಿರುವುದಾಗಿ ಹಾಗೂ ಶ್ರೀ ಕರೀಂ ರಾವ್‌ತರ್, ಸಿ.ಪಿ.ಐ ರವರು ಶ್ರೀ ಮೊಹಮದ್ ಹಫೀಜ್ ರವರನ್ನು ಬಂಧಿಪಾಳ್ಯದ ಒಂದು ರೂಮಿನಲ್ಲಿ ಅಕ್ರಮ ಬಂಧನದಲ್ಲಿಟ್ಟು ದೈಹಿಕ ಹಲ್ಲೆ ಮಾಡಿರುತ್ತಾರೆಂದು ಶ್ರೀ ಮೊಹಮದ್ ಹಫೀಜ್ ರವರ ಹೇಳಿಕೆಯಲ್ಲಿ ಹಾಗೂ



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ದೈಹಿಕ ಹಲ್ಲೆಯ ಬಗ್ಗೆ ಅವರು ನೀಡಿರುವ ಫೋಟೋ ಹಾಗೂ ಎಂ.ಎಲ್.ಸಿಯ ಪ್ರತಿಯಿಂದ ಕಂಡು ಬರುತ್ತದೆ. ತದನಂತರ, ದಿನಾಂಕ 29-07-2018 ರಂದು ರಾತ್ರಿ 9 ಗಂಟೆಗೆ ಶ್ರೀ ಮೊಹಮದ್ ಹಫೀಜ್ ರವರನ್ನು ಬಂಡಿಪಾಳ್ಯದಲ್ಲಿರುವ ರೂಮಿನಿಂದ ಮೈಸೂರು ಸೌತ್ ಪೊಲೀಸ್ ಠಾಣೆಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಿ ಅಕ್ರಮ ಬಂಧನದಲ್ಲಿಟ್ಟು, ಅದೇ ರಾತ್ರಿ ಶ್ರೀ ಮೊಹಮದ್ ಹಫೀಜ್‌ರವರನ್ನು ಚಿನ್ನ ತರುವಂತೆ ಹೇಳಿ ಅವರನ್ನು ಬಿಡುಗಡೆ ಮಾಡಿರುತ್ತಾರೆ ಎಂದು ಶ್ರೀ ಮೊಹಮದ್ ಹಫೀಜ್‌ರವರ ಹೇಳಿಕೆಯಲ್ಲಿ ಕಂಡುಬರುತ್ತದೆ. ದಿನಾಂಕ 04-08-2018 ರಂದು ಶ್ರೀ ಕರೀಂ ರಾವ್‌ತರ್, ಸಿ.ಪಿ.ಐ ಮತ್ತು ಅವರ ತಂಡವು ಶ್ರೀ ಮೊಹಮದ್ ಹಫೀಜ್, ಅವರ ತಂದೆ ರೆಹಮಾನ್ ಷರೀಫ್, ಅವರ ಸಹೋದರನ ಪತ್ನಿ ಸಲ್ಮಾ ರವರನ್ನು ಮೈಸೂರು ಸೌತ್ ಪೊಲೀಸ್ ಠಾಣೆಗೆ ಕರೆತಂದು ಅಕ್ರಮ ಬಂಧನದಲ್ಲಿಟ್ಟಿರುವುದು ಶ್ರೀ ಸೈಯದಾ ಜಬೀನ್ ತಾಜ್ ಮತ್ತು ಶ್ರೀ ಮೊಹಮದ್ ಹಫೀಜ್ ರವರ ಹೇಳಿಕೆಯಲ್ಲಿ ಕಂಡುಬರುತ್ತದೆ. ಮುಂದುವರೆದು, ದಿನಾಂಕ 09-08-2018 ರಂದು ದೂರುದಾರರ ತಂದೆ ಮತ್ತು ಮೈದುನನಾದ ಸುಹೇಲ್ ರವರನ್ನು ಅಕ್ರಮವಾಗಿ ಬೆಂಗಳೂರಿಂದ ಮೈಸೂರಿಗೆ ಕರೆತಂದಿರುತ್ತಾರೆಂದು ಶ್ರೀಮತಿ ಸೈಯದಾ ಜಬೀನ್ ತಾಜ್ ರವರ ಹೇಳಿಕೆಗಳಿಂದ ಕಂಡುಬರುತ್ತದೆ. ದಿನಾಂಕ 10-08-2018 ರಿಂದ 13-08-2018 ರವರೆಗೆ ಶ್ರೀ ಮೊಹಮದ್ ಹಫೀಜ್‌ರವರನ್ನು ಮತ್ತೆ ಅಕ್ರಮ ಬಂಧನದಲ್ಲಿಟ್ಟು, ತರುವಾಯ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರ ಮುಂದೆ ಹಾಜರುಪಡಿಸಿರುತ್ತಾರೆಂದು ಶ್ರೀ ಮೊಹಮದ್ ಹಫೀಜ್‌ರವರ ಹೇಳಿಕೆಗಳಿಂದ ಕಂಡುಬರುತ್ತದೆ.

ಶ್ರೀ ಗೋವಿಂದ.ಟಿ. ಹೆಚ್.ಸಿ-70 ರವರು, ಶ್ರೀ ಮೊಹಮದ್ ಹಫೀಜ್‌ರವರ ಮೇಲೆ ಪೊಲೀಸರು ಹಲ್ಲೆ ಮಾಡಿರುವ ಕುರಿತು ನೀಡಿರುವ ಎಂ.ಎಲ್.ಸಿ ಯ ಬಗ್ಗೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಳ್ಳದೆ ಇರುವುದು ಹಾಗೂ ಅಂದಿನ ಮೈಸೂರು ಸೌತ್ ಪೊಲೀಸ್ ಠಾಣೆಯ ಪಿ.ಎಸ್.ಐ ಆದ ಶ್ರೀ ಜಯಪ್ರಕಾಶ್ ರವರು ಸಹ ಎಂ.ಎಲ್.ಸಿಯ ಕುರಿತು ಯಾವುದೇ ಕ್ರಮ ಜರುಗಿಸಿರುವುದಿಲ್ಲವೆಂದು ವಿಚಾರಣಾ ಕಾಲದಲ್ಲಿ ಕಂಡುಬರುತ್ತದೆ. ಶ್ರೀ ಗೋವಿಂದ.ಟಿ ರವರು ಅವರ ಹೇಳಿಕೆಯಲ್ಲಿ ತಾನು ಮೊಬೈಲ್ ಸಂ.9686617903ಗೆ ಕರೆ ಮಾಡಿ ಎಂ.ಎಲ್.ಸಿ ಯ ಬಗ್ಗೆ ಸದರಿಯವರ ಪತಿಗೆ ಏನಾದರೂ ತೊಂದರೆಯಾಗಿದ್ದರೆ, ಪೊಲೀಸ್ ಠಾಣೆಗೆ ಬಂದು ದೂರನ್ನು ನೀಡಿ ಎಂದು ಹೇಳಿದ್ದು, ಅದಕ್ಕೆ ಪ್ರತ್ಯುತ್ತರವಾಗಿ ಶ್ರೀಮತಿ ಸೈಯದಾ ಜಬೀನ್ ತಾಜ್ ರವರು ಮೇಲೆ ಹೇಳಲಾದ ಮೊಬೈಲ್ ಸಂಖ್ಯೆಯು ತನ್ನದಲ್ಲವೆಂದು ಹಾಗೂ ತನ್ನ ಪತಿಯವರ ಮೊಬೈಲ್ ಸಂಖ್ಯೆಯು ಸಹ ಅಲ್ಲವೆಂದು ಹೇಳಿರುತ್ತಾರೆ.



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ಮುಂದುವರೆದು, ಶ್ರೀ ಮೊಹಮದ್ ಹಫೀಜ್ ರವರ ಮೊಬೈಲ್ ಸಂಖ್ಯೆ: 9686617003 ಆಗಿದ್ದು, ಆ ಸಂಖ್ಯೆಗೆ ಯಾವುದೇ ಕರೆಯು ಪೊಲೀಸರಿಂದ ಬಂದಿರುವುದಿಲ್ಲವೆಂದು ಶ್ರೀಮತಿ ಸೈಯದಾ ಜಬೀನ್ ತಾಜ್ ರವರು ಹೇಳಿರುತ್ತಾರೆ.

ಒಟ್ಟಾರೆಯಾಗಿ, ಶ್ರೀ ಕರೀಂ ರಾವ್‌ತರ್, ಸಿ.ಪಿ.ಐ ಹಾಗೂ ಅವರ ತಂಡ ದೂರುದಾರರ ಪತಿಯಾದ ಶ್ರೀ ಮೊಹಮದ್ ಹಫೀಜ್ ರವರನ್ನು ಅಕ್ರಮ ಬಂಧನದಲ್ಲಿಟ್ಟು ದೈಹಿಕ ಹಲ್ಲೆ ಮಾಡಿ ಹಾಗೂ ಅವರ ಹಾಗೂ ಅವರ ಪತ್ನಿಯ ಕುಟುಂಬ ಸದಸ್ಯರನ್ನು ಸಹ ಅಕ್ರಮ ಬಂಧನದಲ್ಲಿಟ್ಟಿರುವುದು ವಿಚಾರಣಾ ಕಾಲದಲ್ಲಿ ಹಾಗೂ ದೂರುದಾರರ ಮತ್ತು ಅವರ ಪತಿಯ ಹೇಳಿಕೆಯಿಂದ ಕಂಡುಬರುತ್ತದೆ".

18. The aforesaid finding and conclusion has been arrived at by the respondent No.1-Commission on the basis of the statements, medical report, photographs and the statement of the witnesses. It is based on that material information, the respondent No.1-Commission has come to the conclusion of recommending the respondent-State to initiate departmental enquiry against the petitioner under the relevant provisions of law and for payment of ₹ 50,000/- as compensation from him.
19. The scope of judicial review in the matters of enquiries conducted by the statutory authorities is limited to the extent of any violation of principles of natural justice, perversity or violation of any constitutional or statutory



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rights. None of these are canvassed, except the purported disproportionality demonstrated by the respondent No.1-Commission in letting off certain Satheesh, Zahoor and 3 to 4 other personnels. This by itself, in the considered view of this Court would not be sufficient to set aside the entire report.

20. Having said that the respondent-Authority if in the event of initiating the enquiry as recommended, shall provide full opportunity to the petitioner to place on record his version.

21. The respondent- Authority shall independently assess the material evidence and not to be influenced by the contents of the report as they are only recommendatory in nature and pass appropriate order strictly in accordance with law.

With the above observation, petition is ***disposed of.***

**Sd/-
(M.G.S. KAMAL)
JUDGE**