



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO. 57767 OF 2016 (GM-RES)

BETWEEN:

SRI. H.S. PARAMESHWAR
S/O HUCHAPPA,
AGED ABOUT 46 YEARS,
OCCUPATION: POLICE INSPECTOR,
BANGALORE METROPOLITAN
TASK FORCE, HUDSON CIRCLE,
BENGALURU - 560 001.

R/AT
NO. 204, 3RD FLOOR,
FRIENDS PARADISE,
9TH E CROSS,
SAHAKARA NAGAR,
BANGALORE - 560 092.

...PETITIONER

(BY SRI. PRASANNA KUMAR P.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
HOME DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU - 560 001.
2. DIRECTOR GENERAL AND INSPECTOR
GENERAL OF POLICE (HQRS)
NRUPATHUNGA ROAD,
BENGALURU - 560 001.



3. KARNATAKA STATE HUMAN RIGHTS
COMMISSION
M.S.BUILDING,
DR B R AMBEDKAR VEEDHI,
BENGALURU - 560 001
REPRESENTED BY ITS
ACTING CHAIRPERSON.
4. SOUTH INDIA CELL FOR HUMAN RIGHTS
EDUCATION AND MONITORING (SICHREM)
REPRESENTED BY ITS CO-ORDINATOR
SRI PRAKASH KARIYAPPA,
HAVING ITS OFFICE AT
1/F, ANJANAPPA COMPLEX,
35, HENNUR MAIN ROAD,
ST THOMAS NAGAR POST,
BENGALURU - 560 084.
5. PARVEZ SHAIKH @ PARVEZ
S/O LATE NAZIM
AGED ABOUT 31 YEARS
NO.90, BDA QUARTERS
ANJANAPURA, KONANAKUNTE CROSS
BENGALURU - 560 062.

...RESPONDENTS

(BY SRI. SRINIVAS KUMAR M., HCGP FOR R1 & R2;
SRI. NITIN PRASAD., ADVOCATE FOR R3;
SRI. SIJI MALAYIL., ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
QUASH THE ORDER DATED.18.08.2016 PASSED BY THE R-3 IN
H.R.C.NO.924/2011 VIDE ANNEX-F.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

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



ORAL ORDER

Petitioner is before this Court seeking following reliefs;

"(i) Issue a Writ of Certiorari quashing the order-dated 18.08.2016 passed by the Respondent No.3/ Karnataka State Human Rights Commission in H.R.C No. 924 of 2011 as per ANNEXURE 'F' to the writ petition; &

(ii) Issue such other writ, order or direction as deemed fit in the circumstances of the case."

2. Case of the petitioner is that;

Petitioner who was working as a Police Inspector of Bangalore Metropolitan Task Force, Hudson Circle, Bangalore, during the year 2010-2011, had apprehended one Parvez Shaikh and others on the suspicion of they involving in certain unlawful activities. A case in Crime No.59/2011 was registered. That respondent No.4 on behalf of the said Parvez Shaikh had filed a complaint before the Respondent No.3- Commission alleging violation of human rights inasmuch as the petitioner herein was the Station House Officer, in gross violation of the mandatory requirement contemplated under Cr.PC and had held him captive between 01.02.2011 to 07.02.2011 for about 7 days.



3. That upon the said complaint, the respondent No.3-Commission conducted the enquiry. After conducting the enquiry and on consideration of the versions of the parties, the respondent No.3- Commission has passed the impugned order recommending the respondent No.2 to direct the petitioner herein to compensate the victim and also to initiate departmental inquiry against the petitioner. Being aggrieved, petitioner is before this Court.

4. Learned counsel for the petitioner, taking this Court through the records, submitted that the petitioner at the relevant time was given additional charge/responsibility of Tilaknagar Police Station, Central Crime Branch apart from the station to which he was attached to. That it was not the petitioner alone who was responsible. There were other police officers against whom the respondent No.3- Commission has not taken action despite furnishing the relevant information including the details of the co-accused who were arrested along with the said Parvez Shaikh and also the evidence of one scrap merchant who was within the vicinity of the police station, whose version establish the innocence of the petitioner, the respondent No.3-Commission has not taken the same into



consideration. That the reply furnished by the petitioner ought to have been taken into consideration by the respondent No.3-Commission before recommending for payment of compensation and departmental inquiry. Thus, the recommendation/order passed by the respondent No.3-Commission is perverse. Hence seeks for allowing of the petition.

5. Per contra, learned counsel appearing for the respondent No.3- Commission drawing attention of this Court to Section 18 of the Protection of Human Rights Act, 1993, submits that the enquiry pertaining to present case was initiated at the instance of respondent No.4 and the respondent No.3-Commission after affording sufficient opportunity to the petitioner, which is evident from the record, has merely issued a recommendation which may or may not be accepted or acted upon by the respondent-State. As and when such recommendations are accepted, opportunity would definitely be granted to the petitioner to place his case. Therefore, in the absence of any procedural illegality being pointed out by the counsel for the petitioner, interference at this juncture is unwarranted.



6. Heard. Perused the records.

7. There is no dispute of the fact that a complaint alleging illegal detention and torture to one, Parvesh Sheikh was lodged by respondent No.4 before the respondent No.3-Commission. That perusal of the complaint produced at Annexure-B indicate that the said person was arrested on 01.02.2011 and was kept in illegal custody till 07.02.2011, the day when the police had registered the case. Enquiry in this regard has been conducted. Petitioner has indeed submitted his version pleading innocence and ignorance of the allegations made against him. The respondent No.3-Commission however has found *prima facie* case against the petitioner and therefore has passed the impugned order/ recommendation. Perusal of the recommendation also indicate that the respondent No.3-Commission has enquired and examined 14 witnesses. It has also taken into consideration the Station House Diary and the records in Crime No. 59/2011. Based on these statements and the material evidence, the respondent No.3-Commission has come to the conclusion and has passed impugned recommendation.



8. Settled position of law, under Article 226 of the Constitution of India, Courts cannot delve into the merits or otherwise of the finding and conclusion arrived at by the respondent No.3-Commission unless substantive procedural irregularity including violation of principles of natural justice, if any, is brought out or pointed out. The Court shall exercise the restraint in interfering in such matters. It is not the case of the petitioner, the respondent No.3-Commissioner did not have jurisdiction at all to look into the matter.

9. Section 18 of the Protection of Human Rights Act, 1993 as rightly pointed out by learned counsel for the respondent-authorities, authorizes the respondent No.3-Commissioner to conduct the enquiry into the allegations of human rights, violation, which is done in the instant case. The case of the petitioner appears to be on merits and questioning the finding arrived at by the respondent No.3-Commissioner which as pointed out by counsel for the petitioner, cannot be gone into.

10. In that view of the matter, the petition is ***disposed of***. Needless to state that since the order impugned is only a



recommendary in nature, it is always open for the petitioner to put forth his case as and when the said recommendations are given effect to by the competent authorities, who shall consider the case of the petitioner and proceed further in accordance with law, independently without being influenced by the order of the respondent No.3-Commission, or dismissal of this Writ Petition.

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