



2025:DHC:11119-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2415/2021**
EX CT/GD RAYAPPA PATILPetitioner
Through: Mr. Himanshu Gautam and Ms.
Niharika Pun, Advs.

versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Jitesh Vikram Shrivastava,
SPC and Mr. Deepanshu Sharma, Adv. with
Insp Praladh Devenda, SI Manjunath, HC
Vinay Kumar.

CORAM:**HON'BLE MR. JUSTICE C. HARI SHANKAR****HON'BLE MR. JUSTICE OM PRAKASH SHUKLA****JUDGMENT(ORAL)**

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08.12.2025**C.HARI SHANKAR, J**

1. The services of the petitioner were terminated by the respondents by the following order dated 12 June 2020:

“TERMINATION ORDER

Reference of show cause notice issued vide this office letter No. E- 42099/ CISF/ DMRC (D) Doc.- 01/2020 -6422 Dated 04.03.2020, reply of above said show cause notice found not satisfactory.

02. in pursuance of Provision to sub -Rule (2) of Rule 25 of the Central industrial Security Force Rules 2001, the service of CISF No. 170720720487 Const. / GD Rayappa Patil (under Probation) S/o Shri Ningappa Vill.- Godachinamalki, Post Mavanur, PS- Konnur, District- Belagavi, State- Karnataka, is hereby terminated from CISF Wef. 12.06.2020 (A/N). He is not found suitable for appointment in CISF by the 19th Standing Screening Committee of CISF, intimated by FHQ New Delhi vide letter No. E-320 17 (1)/06/ 19th (13th) SSC /Recruit- 1/2019/ 642 dated, 12.02.2020, for suppression of facts and involvement in

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criminal case.

Sd/-
(ARUN R.)
COMMANDANT
CISF UNIT DMRC DELHI”

2. Aggrieved thereby, the petitioner has instituted the present writ petition before this Court.

3. At the time when the petitioner joined the services of Central Industrial Security Force¹, he was required to declare whether there were any criminal cases pending against him in the attestation form. The attestation form was filled by the petitioner on 4 April 2017.

4. The respondents’ case is that, on that date, three FIRs were pending against the petitioner, namely, FIRs 10/2017, 11/2017, 12/2017, of which FIR 10 and 11 were dated 14 January 2017 and FIR 12 was dated 15 January 2017.

5. Mr. Himanshu Gautam, learned Counsel for the petitioner points out that the petitioner was not, in fact, named in any of the FIRs. The FIRs had arraigned all the persons in a particular village in connection with certain riots which had broken out. FIR 10 refers to one Rayappa Gotur, whereas FIR 11 refer to one Rayappa Ningappa Davani and another Rayappa Gotur and FIR 12 included one Rayappa S/o Ningappa Davani.

6. Mr. Gautam submits that the petitioner’s name is Rayappa Patil, and Davani does not form part of the name either of the petitioner or of his father. Rayappa Patil was not an accused in any of three FIRs.



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Further, the petitioner, in any case, was not aware on the date when he had filled the attestation form on 4 April 2017, that any FIR was pending against him.

7. It appears that it was only thereafter, on 9 August 2018, that, in the chargesheet which was issued following the aforementioned FIRs, one of the accused was reflected as Rayappa S/o Ningappa Davani @ Patil. Even here, the father of the said accused was named as Ningappa Davani whereas the petitioner's father is not Ningappa Davani.

8. Be that as it may, criminal proceedings followed against the petitioner consequent on the registration of the aforesaid FIRs. Of the aforesaid FIRs, FIRs 11 and 12 were quashed by the High Court of Karnataka by order dated 8 February 2022 on the ground that three FIRs could not be registered in respect of one incident. FIR 13 proceeded and ended in an order of acquittal passed by the learned Additional District and Sessions Judge² on 30 August 2023, the Conclusion in which read thus:

“CONCLUSION :- It is, therefore, after over all careful appreciation of the oral and documentary evidence placed on record, this Court is of the considered opinion that in view of turning into hostile by the direct and material witnesses examined as P. W. 1 to 10; the prosecution has utterly failed to prove the necessary constituents of the serious penal sections so invoked against the accused persons beyond all reasonable doubts as no minimum evidence to pin point the guilt of accused persons were brought into light. And further, when the very complainant and injured persons including the eye witness have turned hostile to the case of prosecution, no question of recording an Order of conviction could arise in the absence of clear, convincing and clinching evidence to pin point towards guilt of accused persons. In

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fact, there are series of clouds of doubts in the case of prosecution, and as a general rule of criminal jurisprudence; the benefit of such doubts would go to the accused persons. **With the above observations and for the reasons stated supra, I am inclined to answer the Points No.1 to 10 in the negative.”**

9. Following the aforesaid conclusion, the learned ADJ has ordered as under:

“|| ORDER ||

Resultantly, acting U/Sec. 232 Cr. P. C, the accused nos. 1 to 8, 10 to 15, 17, 19 to 32, 34, 36 to 55 and 57 are hereby acquitted of the offenses punishable U/Secs. 143, 147, 148, 341, 323, 324, 307, 109, 504, 506 r/w 149 of IPC.

All these accused are set at liberty.

Bail bonds and surety bonds of these accused persons shall stand canceled forthwith.

M. Os. 1 to 3 - Iron Pipes are ordered to be confiscated to the state after appeal period is over.

M. Os. 4 to 6 - Sticks, and M.Os. 7 to 10 - Stones being worthless are ordered to be destroyed after appeal period is over.

Ordered accordingly.”

10. Thus, even if it were to be assumed that the petitioner was one of the accused in the FIR and subsequently the chargesheet, he stands acquitted as none of the witnesses on whom the State chose to rely substantiated the allegations in the chargesheet.

11. Mr. Jitesh Vikram Shrivastava, learned SPC for the respondents, very fairly points out that, to a query made from the police authorities, the Superintendent of Police, Belagavi, *vide* communication dated 31 October 2023 addressed to the DIG, CISF, has pointed out that the petitioner was informed about his involvement in the aforesaid case only in 2022.



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12. In that view of the matter, we are of the opinion that the decision to terminate the petitioner from services of CISF cannot sustain.

13. The petitioner cannot be said to have suppressed the fact of his involvement in criminal cases when he filled his attestation form on 4 April 2017. The very fact of whether the petitioner was the accused named in the said FIRs is not free from doubt. The petitioner was made aware of the proceedings only in 2022. The proceedings themselves resulted in acquittal of all the accused, arraigned therein.

14. In that view of the matter, the termination order dated 12 June 2020 as well as the Appellate Order dated 16 December 2020 are quashed and set aside.

15. The petitioner shall be entitled to be reinstated in service with effect from the date when he was terminated, with all consequential benefits including seniority, continuity of service and fixation of pay. However, he would not be entitled to any backwages for the period he has not served with respondents.

16. The petition is allowed to the aforesaid extent.

C.HARI SHANKAR, J

OM PRAKASH SHUKLA, J

DECEMBER 8, 2025/rjd