

KARNATAKA STATE HUMAN RIGHTS COMMISSION
1-4 Floors, 5th Stage, M.S. Building, Bengaluru – 560001

HRC NO.1042/10/31/2020-H

Date : 29.01.2021

PRESENT

Justice D.H. Waghela
Chairperson

Complainant: Shri Haneef M.M.
Room No.5, 1stFloor,
No.25/2, 6th Cross,
Triveni Road,
Divanarapalya, Gokula
Bengaluru – 560 054
Karnataka

V.

Respondents:

1. Shri V. Naveen Kumar,
P.S.I, Bellandur Police
Station, Bengaluru –
560 102
2. Addl. Chief Secretary,
Department of Home
Govt. of Karnataka,
Bengaluru

OPINION, REPORT AND RECOMMENDATIONS

1. The complaint herein was filed on 20.03.2020 on the letter head of “Citizen Labour Welfare and Anti-Corruption Committee” and it was signed by one Dr. Haneef M.Mon the basis of the allegation that Mr. Neelesh was illegally

arrested and detained by the officers of Bellanduru Police Station from 07.03.2020 to 09.03.2020. The complaint was supported by medical certificate dated 19.03.2020 of K.C. General Hospital, Bengaluru and other medical papers of Bowring and Lady Curzon Hospital, Bengaluru. Taking cognizance of the complaint, the Dy.S.P. attached to this Commission was requested to enquire and report. Relying upon statements of 7 witnesses including the victim and relevant documents, it was opined by the Dy.S.P. that there was a case of illegal detention of Neelesh by Bellanduru Police from 07.03.2020 to 09.03.2020.

2. On the basis of a *prima facie* case, notices to the complainant and victim were issued for personal appearance and to the D.C.P., Whitefield Division, Bengaluru for the response. Pursuant to such enquiry, a report was submitted by D.C.P., Whitefield Division, submitting that the allegations of the complainant were not proved in the enquiry held by the A.C.P. against the police officer concerned. Thereafter, statement on oath of Shri Naveen Kumar. V., Sub Inspector of Police concerned has been recorded before the Commission. Going through the rival contentions and relevant statements, it clearly appears that there was a transaction of loan between one Smt. Bheema Bai and the victim Shri Neelesh and NCR No. 122/2018 was registered and kept pending in the Bellanduru Police Station. In the matter of recovering an amount from Shri Neelesh, the

police had called him at the police station on 07.03.2020. That much is admitted even by the respondent PSI, Shri Naveen Kumar.

3. However, many other allied allegations of illegal detention in the police lock-up, beating and injuring the victim and forcing him to pay to Smt. BheemaBai are not supported or substantiated by reliable evidence. The original complainant herein has not cared to remain personally present or substantiate the allegations made in the complaint. The police officer Shri Naveen Kumar has contended that the victim and Smt. BheemaBai had gone to the Bellanduru Police Station on 07.03.2020 with a request to close the pending N.C.R. No.122/2018 and issue an endorsement in that regard.

4. Therefore, the involvement of the police officer of the Bellanduru Police Station in a case registered as N.C.R in the year 2018 is proved beyond reasonable doubt. Even if all the allegations regarding illegal detention, torture and injury were not to be believed in absence of cogent evidence, the very fact that the parties in a civil dispute would go to the police station even for a so-called settlement, closure or endorsement and involve any police officer, is inconsistent with the relevant legal provisions contained in sections 154, 155, 156 of the Code of Criminal Procedure, 1973. There is already a circular dated 09.02.2018 of D.G & I.G.P instructing all the unit officers to sensitize the investigating officers and

jurisdictional police officers that “no police shall investigate a non-cognizable case without the order of a Magistrate having power to try such case or commit the case for trial”.

5. In these facts, it is a case of violation of the provisions of Cr.PC and unauthorised indulgence in a civil matter of the police officer concerned, as also violation of the instructions contained in the aforesaid circular dated 09.02.2018. It appears that neither the police officer nor the head of Department are taking the above circular seriously for any corrective restraint on the police officers. Hence, **“recommending to the Addl. Chief Secretary, Department of Home to issue stricter guidelines with provisions of punishment, regardless of any complaint about the harassment”**,

The case is closed and disposed.

6. The action taken pursuant to the above recommendation may be submitted to the Commission on or before 07.04.2021.

7. It may be appropriate to point out at the end that under the provisions of Section 18(e) of The Protection of Human Rights Act, 1993, the State Government or the authority concerned is duty bound to forward within a month, its comments on this report and also report the action taken or proposed to be taken. It is hereby brought to kind notice of the authorities concerned that, under the provisions of Regulation 22 of the Karnataka State Human

Rights Commission (Procedure) Regulations 2007, if any application seeking modification or review of order or proceeding passed by this Commission is received, it may be considered by the Commission for appropriate order.

8. A copy of this Opinion, Report and Recommendations shall be sent to the complainant and respondents forthwith.

Sd/-
(Justice D.H.Waghela)
Chairperson

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