

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

CIVIL CONTEMPT PETITION NO.653 OF 2024

BETWEEN:

MR. KIRAN KUMAR
S/O GOVIND RAJU
AGED ABOUT 33 YEARS
NO.12, 3RD CROSS
8TH BLOCK, NAGARABHAVI
BANGALORE-560 072
PHONE: 9743791442

...COMPLAINANT

(BY SRI. UMAPATHI S, ADV.)

AND:

- 1 . MR. UMASHANKAR
AGE: NOT KNOWN TO THE COMPLAINANT
S/O: NOT KNOWN THE COMPLAINANT
ADDITIONAL CHIEF SECRETARY
DEPARTMENT OF HOME AND INTERNAL SECURITY
ROOM NO.222, II FLOOR
VIDHANA SOUDHA
BENGALURU - 560 001

- 2 . MR. ALOK MOHAN, IPS
AGE: NOT KNOWN TO THE COMPLAINANT
S/O: NOT KNOWN THE COMPLAINANT
DIRECTOR-GENERAL AND
INSPECTOR GENERAL OF POLICE
KARNATAKA STATE POLICE HEADQUARTERS
NO.2, NRUPATHUNGA ROAD

BENGALURU-560 001

- 3 . MR. B. DAYANANDA
AGE: NOT KNOWN TO THE COMPLAINANT
S/O: NOT KNOWN THE COMPLAINANT
COMMISSIONER OF POLICE
BANGALORE CITY, INFANTRY ROAD
BANGALORE-560 001
- 4 . MR.GIRISH NAYAK
AGE: NOT KNOWN TO THE COMPLAINANT
S/O: NOT KNOWN THE COMPLAINANT
POLICE INSPECTOR
CHENNAMMANAKERE ACHUKATTU POLICE STATION
BANGALORE CITY-560 085
- 5 . MR. LOKESH
AGE: NOT KNOWN TO THE COMPLAINANT
S/O: NOT KNOWN THE COMPLAINANT
SUB INSPECTOR OF POLICE
CHENNAMMANAKERE ACHUKATTU POLICE STATION
BANGALORE CITY-560 085
- 6 . MR. ARIVAND KUMAR,
AGE: NOT KNOWN TO THE COMPLAINANT
S/O: NOT KNOWN THE COMPLAINANT
SUB INSPECTOR OF POLICE
CHENNAMMANAKERE ACHUKATTU POLICE STATION
BANGALORE CITY-560 085
- 7 . MR. MALLIKARJUNA,
AGE: NOT KNOWN TO THE COMPLAINANT
S/O: NOT KNOWN THE COMPLAINANT
POLICE STAFF
CHENNAMMANAKERE ACHUKATTU POLICE STATION
BANGALORE CITY-560 085
- 8 . MR. SHIVAMURTHY,
AGE: NOT KNOWN TO THE COMPLAINANT
S/O: NOT KNOWN THE COMPLAINANT
POLICE STAFF
CHENNAMMANAKERE ACHUKATTU POLICE STATION

BANGALORE CITY-560 085

- 9 . MR. NAGARAJ NAIK,
AGE: NOT KNOWN TO THE COMPLAINANT
S/O: NOT KNOWN THE COMPLAINANT
POLICE STAFF
CHENNAMMANAKERE ACHUKATTU POLICE STATION
BANGALORE CITY-560 085
- 10 . MR. HANUMANTA.
AGE: NOT KNOWN TO THE COMPLAINANT
S/O: NOT KNOWN THE COMPLAINANT
POLICE STAFF
CHENNAMMANAKERE ACHUKATTU POLICE STATION
BANGALORE CITY-560 085
...ACCUSED
- 11 . THE STATE OF KARNATAKA
REP. BY ADDITIONAL CHIEF SECRETARY
DEPARTMENT OF HOME AND INTERNAL SECURITY
ROOM NO.222, II FLOOR
VIDHANA SOUDHA
BENGALURU- 560 001
...PROFORMA RESPONDENT

(BY SRI. KAMROZ KHAN, AGA FOR R11;
R1-10 ARE SERVED)

THIS CCC IS FILED UNDER SECTION 12 OF THE CONTEMPT OF COURTS ACT,1971, READ WITH ARTICLE 215 OF THE CONSTITUTION OF INDIA, PRAYING TO INITIATE CONTEMPT PROCEEDING AGAINST THE ACCUSED HEREIN FOR WILLFULLY AND DELIBERATELY DISOBEYING THE DIRECTIONS OF SUPREME COURT DIRECTIONS (PARA 37 OF ANNEXURE-G) PASSED IN THE CASE OF D.K. BASU VS. STATE OF WEST BENGAL REPORTED IN MANU/SC0157/1997 AND IN "ARNESH KUMAR v. STATE OF BIHAR (PARA 13 AND 14 OF ANNEXURE-H) REPORTED IN MANU/SC/0559/2014.

THIS CCC HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 26.03.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
AND
HON'BLE MS. JUSTICE TARA VITASTA GANJU

CAV JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

We have heard Shri. Umapathi S, learned counsel appearing for the Complainant and Shri. Kamroz Khan, learned Additional Government Advocate appearing for respondent No.11.

2. This Contempt of Court Case is filed alleging non-compliance of the directions issued by the Apex Court in the case of ***D.K. Basu v. State of West Bengal*** reported in ***(1997) 1 SCC 416***. The Complainant seeks an order of Departmental Enquiry against accused No.4 to 10 for the acts of illegal arrest, detention and search without warrant.

3. The learned counsel appearing for the Complainant would contend that the procedure for search, arrest and illegal detention were committed in complete

violation of the directions issued by the Apex Court in **D.K. Basu's** case (supra). It is submitted that the accused are persons bound by the directions issued by the Apex Court and refusal to comply with the said directions is a clear violation of the Power and Authority of the Apex Court. Certain photographs have also been placed on record in support of the contentions raised by the Complainant.

4. An affidavit has been filed on behalf of the respondents stating that there has been no violation either of the directions issued in **D.K. Basu's** case (supra), or the judgment of the Apex Court in the case of **Arnesh Kumar v. State of Bihar** reported in **(2014) 8 SCC 273**. It is contended that an FIR was registered as Crime No.384/2023 of the Chennammanakere Achukattu Police Station, Bengaluru for the offences punishable under Sections 120B, 387, 408, 420 Indian Penal Code, 1860 on a complaint filed by one Gurapaa Naidu son of B.V. Naidu on 30.12.2023. The FIR and complaint are produced at Annexure 'R2'. It is submitted that the crime was registered. The complainant was brought to the Police Station at 07:45 p.m, on

31.12.2023 and arrest was recorded at 08:00 p.m, on the same day. On 01.01.2024 the complainant and other accused persons were taken to the BBMP Hospital for medical examination and were produced before the Magistrate at 07:00 p.m, and remand orders were passed. It is submitted that with all guidelines issued by the Apex Court in **Arnesh Kumar's** case (supra), were clearly complied with and the copies of the Remand Memo, Memo of Arrest and Case Diary are produced along with the affidavit. It is further submitted that the trial has commenced in the criminal case registered against the Complainant and others and no complaint of any ill treatment has been made before the trial Court. A further memo has been filed on 25.03.2026, producing the Order of the Principal City Civil and Sessions Judge, Bangalore, dismissing the complaint preferred by the Complainant under Section 200 of Code of Criminal Procedure, 1973 read with Section 30 of the Protection of Human Rights Act, 1993. A Petition under Section 482 of Criminal Procedure Code, filed against the said order was also dismissed on 01.09.2025. Thereafter,

Karnataka Information Commission has also considered the matter and closed the complaint under the Right to Information Act, 2005.

5. Having considered the contentions advanced, it is clear that the contentions raised by the Complainant that he was subjected to cruelty of Police Atrocities in violation of the directions issued by the Apex Court in the various judgments including **D. K. Basu's** case (supra), **Arnesh Kumar's** case (supra), **Joginder Kumar v. State of U.P. and others** reported in **(1994) 4 SCC 260**, etc., is not borne out by the materials on record. An action for Contempt of Court would not lie unless there is a material to show that there is a clear deliberate contempt of the orders or authority of the Court and there is contumacious conduct on the part of the accused. Where the very facts are disputed and the materials on record would show that the accused have been absolved in criminal proceedings, we are of the clear view that the Contempt of Court Proceedings cannot go on in respect of the very same or related allegations.

6. In the above circumstances, we are of the opinion that no further steps are liable to be taken in these proceedings. The Contempt of Court Case is accordingly ***closed.***

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(TARA VITASTA GANJU)
JUDGE**

cp*