

News

The Allahabad High Court denies compensation to police officers who attacked a doctor, stating that police uniforms are not authorized to attack individuals.

According to the court, the accused cops did not require prior authorization to be charged because their actions were outside of their official duties.



Recently, the Allahabad High Court declined to stop criminal charges against four police officers who are alleged to have abused, assaulted, and arbitrarily detained a doctor and his friends.

According to **Justice Raj Beer Singh**, a police uniform cannot be used as a cover for illegal activity.

The Court emphasized that actions that fall outside the purview of a public servant's official duties do not require prior sanction for prosecution under Section 197 of the Code of Criminal Procedure (CrPC) when rejecting the plea filed under Section 528 (inherent powers of High Court) of the Bharatiya Nagarik Suraksha Sanhita (BNSS).

"The candidates would not be protected just because they are law enforcement officers. The Court ruled that wearing a police uniform does not give permission to attack defenseless people."

Constables Kuldeep Yadav, Sudhir, and Dushyant, along with Sub-Inspector Animesh Kumar, had petitioned the High Court to have a complaint against them filed under Sections 323 (voluntarily causing hurt), 342 (wrongful confinement), and 394 (voluntarily causing hurt in committing robbery) of the Indian Penal Code quashed.

The case started when the complainant, a doctor, and his employees were returning from Kanpur on June 28, 2022. According to reports, his car collided with the police officer's vehicle.

The complainant and his companions were allegedly forcibly detained at Saraimera police post for approximately one and a half hours after three cars allegedly intercepted their vehicle near Khudaganj later that evening. The police officers allegedly dragged the complainant and his companions out, abused and assaulted them, and took cash and a gold chain.

Injury reports supporting the occurrence were obtained when the complainant and his companions underwent medical examinations.

After warning the complainant for reckless driving, the applicants contended that they were on patrol at the time and that the allegation was a counterblast.

They argued that as the crimes were carried out while performing official duties, prosecution without permission under Section 197 CrPC was unlawful.

The Court, however, dismissed these claims.

Justice Singh restated that although Section 197 shields public employees from frivolous lawsuits for actions taken in the course of performing official duties, this protection only applies in cases where there is a "reasonable connection" between the act and official duty, citing the Supreme Court's recent decision in *Om Prakash Yadav v. Niranjana Kumar Upadhyay*.

The Court concluded that there was no such relationship in this particular case. The applicants were not on authorized patrol duty at the time of the claimed event, according to the available evidence. The claim was not substantiated by any item in the General Diary. The Court ruled that it was not possible to claim that the unlawful confinement, property damage, and attack of civilians were carried out in the course of official duties.

"The applicants do not claim that the complainant or his associates committed any crimes or that a case was filed against them. Even in other cases, the Court pointed out that robbery and assault had no logical or reasonable connection to carrying out official duties.

The complainant's evidence recorded under Section 200 CrPC, the corroborating witness statements recorded under Section 202 CrPC, and the medical examination reports demonstrating injuries, the Court further determined, substantiated the complainant's allegations.

The High Court came to the conclusion that there was a prima facie case against the accused authorities in light of these facts.

As a result, the appeal to halt the criminal proceedings was denied.