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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

MANOJ MISRA; J., MANMOHAN; J.

CIVIL APPEAL No.8059 OF 2026; May 21, 2026

(Arising out of SLP (C) No. 018626/2026) (@Diary No. 46777/2025)

GAJULA THIRUPATHI *versus* THE TELANGANA STATE LEVEL POLICE

RECRUITMENT BOARD AND OTHERS

Constitution of India – Judicial Review of Employer’s Decision on Suitability – Appointment to Disciplined Force – Criminal Antecedents and Acquittal via Compounding - Even after a truthful disclosure of past criminal cases ending in acquittal, an employer retains the discretion to assess a candidate's suitability for appointment - such a decision cannot be arbitrary - To survive judicial review, it must be supported by material on record demonstrating that an offence involving moral turpitude was indeed committed and that the candidate was linked to it, despite earning an acquittal on technical grounds, benefit of doubt, or due to witnesses turning hostile or being won over. [Para 14]

Criminal Jurisprudence – Pre-marital and Consensual Relationships – Offence of Cheating based on False Promise to Marry - Physical relationships between consenting unmarried adults do not automatically warrant an adverse inference against a candidate's character - Where a relationship spans a considerable period, a presumption of valid consent arises - Merely because a long-standing relationship between adult neighbors does not culminate in marriage, it cannot be logicized that an offence of cheating was committed or that a subsequent compromise before a Lok Adalat amounts to an admission of guilt. [Paras 18-20]

Criminal Jurisprudence – Presumption of Innocence – Evidentiary Value of Police Report in Compounded Cases - Unless a charge is proven in a court of law, the presumption of innocence prevails - Where an offence like cheating depends entirely on the subjective deception of the prosecutrix, and the prosecutrix chooses to compound the matter before a Lok Adalat without any evidence of coercion or threat, a mere indictment in a police report (based on statements recorded during investigation) cannot form the sole basis for an employer to draw an adverse inference regarding the candidate's character. [Relied on Avtar Singh v. Union of India and Others, (2016) 8 SCC 471; Ravindra Kumar v. State of Uttar Pradesh & Others, (2024) 5 SCC 264; Commissioner of Police v. Mehar Singh, (2013) 7 SCC 685; Paras 22 - 25]

For Appellant(s) : Mr. Ankolekar Gurudatta, AOR

For Respondent(s) : Mr. K. Radhakrishnan, Sr. Adv. Ms. Devina Sehgal, AOR Mr. Srikanth Varma Mudunuru, Adv.

J U D G M E N T

MANOJ MISRA, J.

1. Leave granted.

FACTS

2. The appellant was provisionally selected for appointment on the post of Stipendiary Cadet Trainee Police Constable (for short SCTPC) subject to verification of his antecedents and testimonials. In the form itself, the appellant had made a disclosure about registration of a criminal case¹ against him in the past for offences punishable under Sections 417, 420 and 506 read with Section 34 of the Indian Penal Code, 1860². Basis thereof, a show cause notice was issued to the appellant seeking his explanation as to why his provisional selection be not cancelled for his past involvement in an offence involving moral turpitude. The appellant responded by submitting, *inter alia*, that *vide* order of the Lok Adalat dated 31.08.2015 that case was compounded; therefore, the appellant would be deemed to have been honorably acquitted in that case by virtue of the provisions of sub-section (8) of Section 320 of the Code of Criminal Procedure, 1973³. However, the explanation was not accepted, and the provisional selection was cancelled *vide* order dated 17.08.2020. Aggrieved therewith, the appellant filed a writ petition (i.e., W.P. No. 20812 of 2020) in the High Court⁴ which was allowed by the learned single Judge, *vide* order dated 20.11.2020, thereby setting aside the order of cancellation and directing the respondents to consider the case of the appellant in terms of the law laid down by this Court in **Avtar Singh vs. Union of India and Others**⁵.

3. Pursuant to the order of the High Court dated 20.11.2020, the matter was examined afresh, and the provisional selection of the appellant was again cancelled *vide* order dated 29.01.2021. The relevant paragraphs of the order dated 29.01.2021 are extracted below:

“4. Sri Gajula Thirupathi, (Regd. No. 1290043) has submitted representation dated 09-12-2020. The case of Sri Gajula Thirupathi, (Regd. No. 1290043) has been carefully examined in the light of Hon’ble High Court’s order dated 20-11-2020 keeping the observation made in Avtar Singh case as follows:

5. The petitioner was involved in Cr. No. 190/2014, U/s 417, 420 and 506 r/w 34 IPC of Dharmaram PS, which is a case of moral turpitude. The brief facts of the case are that, Sri Gajula Thirupathi as A-1 in the Crime, enjoyed with the victim sexually in the name of love and promise to marry her. When the victim asked A-1 to marry her, he postponed the matter and his parents threatened her to kill if she asked their son to marry her. A-1 was arrested by the Police and remanded to Judicial Custody. A-1 got married to another woman and cheated the victim. After completing the investigation, the concerned Police filed Charge Sheet dated 30-12-2014 against all the accused. While the case was pending Trial both the parties compromised the case *vide* CC No. 35/2015 before the Lok Adalat at JFCM Court, Peddapalli on 31-05-2015.

6. It is informed that the case in which the Petitioner was involved is a case of moral turpitude. The victim may be prepared to settle the matter for any consideration other than innocence of the accused, but it did not wash off the criminal antecedents of the accused.

¹ Crime No.190/2014

² IPC

³ CrPC

⁴ The High Court for the State of Telangana at Hyderabad

⁵ (2016) 8 SCC 471

Entering a Police Service requires a candidate to be of character, integrity and clean antecedents. Having regard to the nature and gravity of the Offence/Crime in which the petitioner was involved he is found to be unsuitable for appointment to the post of Constable.

7. The Apex Court in Avtar Singh case at Para 38.3 held that “The employer shall take into consideration the Government orders/ instructions /rules applicable to the employee at the time of taking the decision. The SCT Rule 3 (G) (vi) of SCT Rules issued in G.O. Ms. No. 97, Home (Legal. II) Dept, dated 01.05.2006 says that a Person who is involved in an offence involving moral turpitude is disqualified for appointment.

8. The Hon’ble Supreme Court in Commissioner of Police and Another Vs Mehar Singh, in Civil Appeal No. 4842/2013 held that “the Police force is a disciplined force. It shoulders the great responsibility of maintaining law and order and public order in the society. People repose great faith and confidence in it. It must be worthy of that confidence. A candidate wishing to join the police force must be a person of utmost rectitude. He must have impeccable character and integrity. A person having criminal antecedents will not fit in this category. Even if he is acquitted or discharged in the criminal case, that acquittal or discharge order will have to be examined to see whether he has been completely exonerated in the case because even a possibility of taking to the life of crimes poses a threat to the discipline of the police forces.”

Keeping in view of the above referred judgments of the Hon’ble Supreme Court, SCT Rules and facts of the criminal case, the case of Sri Gajula Thirupathi, (Regd. No. 1290043) is carefully examined and in the circumstances stated above, there are no merits to consider the case of the Petitioner to appoint him as SCTPC (TSSP). Accordingly, provisional selection of Sri Gajula Thirupathi, (Regd. No. 1290043) to the post of SCTPC (TSSP) is hereby cancelled.”

(Emphasis supplied)

4. The order dated 29.01.2021 was challenged by the appellant before a single Judge Bench of the High Court (for short, the writ court) through a writ petition i.e., W.P. No. 20833 of 2021.

5. The appellant’s case before the writ court was that he had made a full and complete disclosure in his application about his antecedents i.e., Crime No.190/2014 and had not suppressed any information. The criminal case was compounded in the Lok Adalat and there existed no material to assume that the appellant was given the benefit of doubt or of some technical latch. Therefore, having regard to the provisions of Section 320 (8) of CrPC, the order compounding the offence should be taken as honorable acquittal. In such circumstances, there was no basis for the respondents to conclude that appellant was not suitable for appointment.

6. In the counter affidavit filed to the writ petition, the respondents had disclosed the reasons for cancellation of the provisional selection. Relevant paragraphs of the counter affidavit are extracted below:

“5. It is submitted that pursuant to the Notification in RC. No. 88/Rect./Admn.1/2018, dated 31.05.2018, issued by Chairman, TSLPRB, Sri Gajula Thirupathi, S/o Narsaiah had applied to the post of SCTPC (Civil/etc) and participated in recruitment process vide Registration Number 1290043. He was provisionally selected to the post of SCTPC (TSSP) subject to verification of antecedents, original certificates and medical fitness. The petitioner was involved in criminal case vide Cr. No. 190/2014, U/s 417, 420 and 506 r/w 34 IPC of Dharmaram PS and the details of which was mentioned by him in the Attestation Form

submitted by him. Since he was involved in a serious criminal case of moral turpitude, a show cause notice dated 25.02.2020 was issued to him. He acknowledged the show cause notice and submitted his explanation dated 07.03.2020, wherein he stated that a false case was foisted against him and the same was compromised before the Lok Adalat and requested to consider his explanation and drop further action. The explanation submitted by the petitioner was examined along with the connected records and his provisional selection was cancelled *vide* Memo RC. No.222/Rectt./Genl.1/2019, dated 17.08.2020 as per Rules as involvement in a case of moral turpitude is a disqualification for appointment. Moreover, it was not a case of full Trial and then a clean acquittal but compromised with the victim which amounts to admission of guilt.

8. It is submitted that the petitioner was involved in a serious case of moral turpitude *vide* Cr. No. 190/2014, U/s 417, 420 and 506 r/w 34 IPC of Dharmaram PS. The brief facts of the case are that, the petitioner Sri Gajula Thirupathi (A-1) enjoyed with the victim sexually in the name of love and promise to marry her. When the victim asked A-1 to marry her, he postponed the matter and his parents also threatened the victim to kill if she asked their son to marry her. A-1 was arrested by the Police and remanded to Judicial Custody. A-1 got married to another woman and cheated the victim. After completing the investigation, the concerned Police filed Charge Sheet dated 30.12.2014 against all the accused. While the case was pending Trial both the parties compromised the case *vide* CC No. 35/2015 before the Lok Adalat at JFCM Court, Peddapalli on 31.05.2015. If the petitioner was really innocent and was falsely implicated, he would not have compromised the case with the victim. Since he was guilty, he compromised the case".

(Emphasis supplied)

7. The writ court (i.e., the learned single Judge of the High Court) allowed the writ petition *vide* order dated 03.06.2024. The relevant portion of the order of the learned single Judge is extracted below:

"9. In this case the petitioner is aspiring to be appointed as a police constable. The allegation against him is that he had sexual relationship with the victim lady, but subsequently, had refused to marry her. It is also not in dispute that the petitioner has married another woman and subsequently due to the intervention of the elders, the matter was settled before the Lok Adalat Court. Though, the award of Lok Adalat is binding on the parties as a decision/ decree of the Court, the nature of offence and the grounds on which the petitioner has been acquitted have to be considered by the employer. In this case, the employer has held that the petitioner was involved in a case of moral turpitude. Though it is a case which can be said of involvement in moral turpitude, this Court also has to look into the circumstances of the case. In the present scenario, a number of youth are involving in such activities in the name of love and subsequently, when the relationship goes sour, they plead foul play on the part of the other party. The victim is aged about 22 years and both the petitioner as well as victim admittedly belong to the same village. Therefore, the possibility of consensual relationship between the parties cannot be ruled out. Further, the petitioner has been acquitted from the charges on account of a settlement between the parties. The police verification certificate filed at Page No. 77 of the writ papers shows that the writ petitioner has a clean record except for the above case. Therefore, this Court is of the opinion that the employer respondent No. 2, ought to have taken the same into consideration before cancelling the provisional selection of the petitioner.

10. In view of the above, this Court deems it fit and proper to direct the respondents to reconsider the case of the petitioner and de hors the Lok Adalat award in CC No. 35/2015, if the petitioner has a clean record otherwise, then he shall be considered for appointment and the respondents shall send him for training with the future next batch of constables."

(Emphasis supplied)

8. Aggrieved by the order of the writ court, the respondents preferred an intra court appeal (W.A. No. 1274/2024) before the Division Bench of the High Court, which allowed the appeal, *vide* impugned order dated 22.11.2024. While allowing the appeal the Court observed, *inter alia*, that,- the writ petitioner was admittedly indicted of an offence involving moral turpitude; the compounding of the offence does not amount to a clean acquittal; the employer is the best judge about the suitability of a candidate for its organization, and therefore, if, in the opinion of the employer, the writ petitioner was not considered suitable for employment in a disciplined force, the writ court ought not to interfere with its decision.

9. Aggrieved by the judgment and order of Division Bench of the High Court, this appeal has been preferred by the appellant.

10. We have heard learned counsel for the parties and have perused the record.

SUBMISSIONS ON BEHALF OF THE APPELLANT

11. On behalf of the appellant it was submitted:

(i) The appellant made a full and truthful disclosure about his antecedents (i.e. Crime No. 190/2014) and, therefore, was not guilty of suppression of any fact.

(ii) The final police report of Crime no.190/2014 delineated the background facts. A perusal thereof would reveal that the victim, an adult aged 22 years, and the appellant, aged 24 years, were neighbors. Both were in a love relationship spanning few years during which the appellant had extended a promise to marry which was accepted by the victim. But the marriage got postponed. One day, the father and mother of the appellant threatened the victim not to press their son to marry her. Thereafter, when the appellant got married to another woman, the victim lodged a complaint alleging that she was cheated. In the complaint, besides the appellant, appellant's mother and father were also made accused by alleging that they had threatened the victim to let off their son.

(iii) The complaint allegations depict a consensual relationship between two adults. Allegations of cheating were not tested by trial, therefore they cannot form basis of an opinion that the appellant is a person with low moral fabric unsuitable for placement in a disciplined force.

(iv) The allegations regarding extension of threats are against mother and father of the appellant and not against him.

(v) There is no material to indicate that compromise before the Lok Adalat was foisted upon the victim. Therefore, once the Lok Adalat compounded the offence in terms of compromise, there exists no material to conclude that the appellant is a person of low moral values and as such unsuitable for appointment.

(vi) The employer fell in error in observing that disposal of the case based on compromise amounts to acceptance of guilt.

(vii) The view taken by the learned Single Judge of the High Court is just and proper in the circumstances of the case whereas the Division Bench committed grave error in interfering with the same.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS

12. On behalf of the respondents, it was submitted:

(i) Under the relevant rules, a candidate is disqualified for appointment if he is involved in an offence involving moral turpitude. The appellant was not only implicated in an offence involving moral turpitude, but the police found substance in those allegations and, therefore, submitted a final report indicting the appellant and his parents. In consequence, the respondents were well within their jurisdiction in concluding that the appellant is unsuitable for appointment.

(ii) The order of Lok Adalat, though may amount to acquittal, does not wash off the charge as in the case of honorable acquittal. Reliance was placed on a decision of Orissa High Court in **Krushna Jena and seven others vs. State of Orissa**⁶ to contend that compounding of an offence does not mean that the offence has not been committed. Compounding only means that though the offence has been committed, the victim is either willing to forget or to accept some form of solution, which may be in the form of compensation.

(iii) In the event of an acquittal on technical ground or by extending the benefit of reasonable doubt, the employer may, after considering relevant facts available as to antecedents, take appropriate decision as to the suitability of employee to continue or be appointed in the establishment. Therefore, even if the candidate/employee has made a truthful declaration regarding a concluded criminal case, the employer still has the right to consider antecedents and take appropriate decision, and he cannot be compelled to appoint the candidate. Reliance has been placed on observations made in paragraphs 38.4.3 and 38.5 of **Avtar Singh's** judgment (*supra*).

(iv) Police force is a disciplined force. Here slightest doubt about the character of a candidate emanating from his past antecedents can form basis of the decision to deny appointment and such decision is not liable to be interfered with unless actuated by *mala fides*. To buttress the said submission, decisions of this Court in **Commr. of Police vs. Mehar Singh**⁷; **State (UT of Chandigarh) vs. Pradeep Kumar & Anr.**⁸ and **State of Madhya Pradesh & Ors. vs. Abhijit Singh Pawar**⁹ were cited.

⁶ 1969 SCC OnLine Ori 133

⁷ (2013) 7 SCC 685

⁸ (2018) 1 SCC 797

⁹ (2018) 18 SCC 733

(v) Sympathetic view taken by the writ court and its observations that acts of indiscretion amongst youth are common in changing times and, therefore, a liberal approach is warranted, is an incorrect approach in law. In **Satish Chadra Yadav vs. Union of India and others**¹⁰, such liberal approach has been deprecated by this Court.

(vi) The view taken by the Division Bench of the High Court is correct and, therefore, the appeal is liable to be dismissed.

ANALYSIS

13. We have accorded due consideration to the rival submissions and have carefully perused the materials available on record.

14. Before addressing the rival submissions, we must put on record that there can be no cavil to the proposition that despite a truthful disclosure by an aspiring candidate about a criminal case ending in acquittal, the employer is free to take its own decision that such a candidate would not be suitable for appointment and, therefore, not entitled to appointment. However, it is equally settled that the State and its officers cannot act arbitrarily. Therefore, when such a decision is subjected to judicial review, to ensure that the same is not held arbitrary, in our view, it must be demonstrated that, (a) there exists material on record to indicate that an offence involving moral turpitude was indeed committed; and (b) there exists material against the candidate even though he may have succeeded in earning an acquittal or a discharge for reasons such as the benefit of: (i) a technical latch, (ii) a reasonable doubt, (iii) the witnesses turning hostile, either because they are won over or because they are threatened or lured into a compromise. If after consideration of those facts an informed decision is taken, the Courts should be slow to interfere with such a decision of the employer / recruiter because ultimately the employer is the best judge to assess whether a person is suitable for appointment in its organization.

15. In **Ravindra Kumar v. State of Uttar Pradesh & Others**¹¹, a candidature was cancelled for not making full and complete disclosure of past antecedents, this Court while setting aside the cancellation order, after surveying a plethora of precedents, stressed upon the importance of a holistic consideration of various aspects to test the validity of an order rejecting the candidature on ground of past criminal antecedent. Those aspects are summarized in paragraph 32 of the judgment extracted below:

“32. The nature of the office, the timing and nature of the criminal case; the overall consideration of the judgment of acquittal; the nature of the query in the application/ verification form; the contents of the character verification reports; the socio-economic strata of the individual applying; the other antecedents of the candidate; the nature of consideration and the contents of the cancellation/ termination order are some of the crucial aspects which should enter the judicial verdict in adjudging suitability and in determining the nature of the relief to be ordered.”

¹⁰ (2023) 7 SCC 536

¹¹ (2024) 5 SCC 264

16. Before we proceed to test the validity of the cancellation order passed by the respondents, it would be apposite to summarize the undisputed facts of the present case. These are:

- (i) The appellant had made a full and complete disclosure of the criminal case registered against him in the past.
- (ii) The said case was instituted by a lady who was a neighbor of the appellant. Allegations were that she had been in a relationship with the appellant for a period of about four years; during this period, the appellant had proposed to marry her, but when she asked the appellant to marry her, the appellant kept postponing; and later, appellant's parents threatened her, asking her to let off their son. Importantly, this FIR was lodged after the appellant got married to another lady.
- (iii) After investigation, the final police report indicted the appellant and his parents under Sections 417, 420 and 506/34 IPC. However, there is no indictment under Section 376 IPC.
- (iv) The said case did not go to trial. Rather, based on a compromise, it was compounded in a Lok Adalat. The order of Lok Adalat has attained finality.
- (v) There is no statement either in the show cause notice or in the cancellation order or in the counter affidavit filed to the writ petition that the victim had to compromise because of threats or allurement.
- (vi) On record, there is no material other than the aforesaid case to form an adverse opinion about the character of the appellant.

17. When we go through the counter affidavit of the respondents filed to the writ petition, relevant portions of which have been extracted above, we notice two key statements against the appellant:

- (i) It was not a case of full trial and then a clean acquittal but of compromise with the victim, which amounts to admission of guilt.
- (ii) If the petitioner was innocent and was falsely implicated, he would not have compromised the case with the victim. Since he was guilty, he compromised the case.

18. The statement that it was not a case of clean acquittal is based on fact but nothing much turns on it. However, the statement that the compromise amounts to admission of guilt is without any basis. Further, the statement that the appellant compromised because he was guilty is completely perverse and defies logic. While making such statements the respondent lost sight of the nature of the offence alleged.

19. The offence alleged *qua* the appellant was of cheating. Though *qua* the parents of the appellant, it was about extension of threats. In so far as the offence of cheating is concerned, the allegation is in respect of making a false promise to marry. Whether a person was deceived into a relationship can ordinarily be determined based on the statement of the person so deceived.

Unless the person so deceived wishes to step into the witness box, it cannot be said that that person was deceived or cheated. Therefore, if that victim is not willing to bring home the charge, how can the accused be blamed for not contesting the proceeding on merit. Besides authorities would have to be sensitive to the changing times in the context of premarital relationships. Such pre-marital relationships are common today. Moreover, physical relationship between two consenting unmarried adults cannot and should not by itself be a ground to draw an adverse impression about the character of the person in that relationship. There is no law which prohibits two consenting unmarried adults to have a relationship of their choice. Further, where such a relationship spans a considerable period, say a few years, time and again this Court has quashed criminal proceedings initiated by one party against the other on a complaint that the victim was lured into physical relationship by a false promise of marriage, because in such a case there would be a presumption that such relationship is based on a valid consent.¹²

20. In the instant case, the appellant and the victim were neighbors and in a relationship for about four years. Not every relationship culminates in marriage. Therefore, merely because the relationship did not culminate in marriage is no ground to believe that one party has cheated the other. Had it been a case of use of force or extension of threat to force a compromise, the respondent would have been justified in taking a call on the suitability of the appellant for appointment in a disciplined force. However, here there is no material to conclude that the compromise was foisted upon the victim.

21. The question that arises next is whether indictment alone in a police report, based on allegations which have been withdrawn or not pressed, can form the basis to form an adverse opinion about the character of the person indicted.

22. In criminal jurisprudence, it is well settled that unless the charge is proved in a court of law there shall be a presumption of innocence. No doubt, where commission of the offence is proved but the accused is let off for some technical reason or is given the benefit of doubt, the employer may, based on the material available on record, conclude that person who had got the benefit of doubt or technical latch is not suitable for appointment. However, to form such an opinion there would have to be: (a) evidence/ material that the crime was committed and (b) some evidence/ material linking the person concerned to the crime.

23. In the instant case, the offence alleged was one of cheating. One of the ingredients of the offence of cheating is false representation/ deception. Whether prosecutrix was deceived into entering a relationship, the prosecutrix alone could have disclosed. The public at large cannot tell whether she was deceived by the appellant. In such circumstances, when the prosecutrix chose not to pursue and had led no evidence, rather had expressed her consent to

¹² Sonu @ Subash Kumar v. State of Uttar Pradesh, (2021) 18 SCC 517; Deepak Gulati v. State of Haryana, (2013) 7 SCC 675; Ravish Singh Rana v. State of Uttarakhand & Another, 2025 SCC OnLine SC 1055

compound the case, there was no occasion for the respondents to read in between lines and draw an adverse inference regarding the character of the appellant.

24. In *Mehar Singh (supra)*, a decision heavily relied by the respondent, the FIR lodged by a bus owner alleged that when the bus reached the bus stand of a village, Mehar Singh along with others, armed with iron chain, lathi, danda, stones etc. arrived at the spot, rebuked the conductor of the bus as to how he dared to take the fare from one of his associates and when persons intervened, and tried to save the conductor of the bus, they were assaulted, sustaining injuries on their back, eyes and ears. Besides the accused broke the side windowpanes of the bus. In that context, when Mehar Singh earned his acquittal based on a compromise with the complainant, the Court took the view that since the acquittal was not a clean acquittal, the decision of the screening committee finding Mehar Singh not suitable for disciplined force cannot be faulted.

25. In contrast, here, notwithstanding the police report, which itself is based on statements recorded during investigation, there is a serious doubt whether the offence of cheating was committed at all. Deposition of the victim in court alone could have proved its commission, if at all. Therefore, when the victim herself chose to withdraw the allegations and compound the offence, there was no occasion to suspect the character of the accused more so when both parties were adult and neighbors, knowing each other for several years. We are, therefore, of the view that the decision of the Screening Committee to deny appointment to the petitioner is arbitrary and was justifiably set aside by the learned Single Judge of the High Court. In our view, the Division Bench of the High Court fell in error in setting aside the order of the learned Single Judge. Consequently, this appeal is allowed.

26. The impugned order of the Division Bench of the High Court is set aside. The order passed by the learned Single Judge is restored. There is no order as to costs.

27. Pending applications, if any, stands disposed of.