



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 20TH DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT APPEAL NO.100730 OF 2025 (GM-POLICE)

BETWEEN:

MR. MAHESH GOWDA,
AGED ABOUT 41 YEARS,
OCC. POLICE CIRCLE INSPECTOR,
SANDUR CIRCLE,
BALLARI DISTRICT 583101.

...APPELLANT

(BY SRI. VIKRAM HUILGOL, SENIOR COUNSEL FOR
SRI. MALLIKARJUN S. HIEMATH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
THROUGH ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HOME,
VIDHANA SOUDHA,
BENGALURU 560001.
2. THE DIRECTOR GENERAL AND
INSPECTOR GENERAL OF POLICE,

CHANDRASHEKAR
LAXMAN
KATTIMANI

Digitally signed by
CHANDRASHEKAR
LAXMAN KATTIMANI
Location: HIGH COURT
OF KARNATAKA
DHARWAD BENCH



(DG AND IGP),
NRUPATUNGA ROAD,
BENGALURU 560001.

3. THE SUPERINTENDENT OF POLICE,
BALLARI,
DIST. BALLARI 583101.
4. THE DEPUTY SUPERINTENDENT
OF POLICE,
TORANAGALLU SUB-DIVISION,
BALLARI DISTRICT 583101.
5. MR. V. VIVEKANANDA,
S/O V. SHIVANA GOUDA
AGE. 25 YEARS,
R/O KOLUR VILLAGE,
KURUGODU TALUK,
BALLARI DISTRICT 583102.

...RESPONDENTS

(BY SRI. SHARAD V. MAGADUM, AGA FOR R1 TO R4;
SRI. RAVINDRA PATIL, ADVOCATE FOR SRI. PRAVEEN G.
KULKARNI, ADVOCATE FOR C/R5)

THIS WRIT APPEAL IS FILED UNDER SEC.4 OF KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE
IMPUGNED ORDER DATED 30.10.2025 PASSED BY THE LEARNED
SINGLE JUDGE OF THIS HON'BLE COURT IN
W.P.NO.107963/2025
(GM-POLICE) & ETC.

THIS WRIT APPEAL COMING ON FOR PRELIMINARY
HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS
UNDER:



CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE S G PANDIT)

Sri. Sharad V.Magadum, learned Additional Government Advocate, accepts notice for respondents No.1 to 4.

2. Sri. Ravindra Patil, learned counsel appears on behalf of Sri. Praveen G.Kulkarni, learned counsel for caveator/respondent No.5.

3. Heard learned Senior Counsel, Sri. Vikram Huilgol for Sri. Mallikarjun S.Hiremath, learned counsel for the petitioner, Sri. Sharad V.Magadum, learned AGA, and Sri. Ravindra Patil for caveator/respondent No.5.

4. This appeal by respondent No.5 before the learned Single Judge in W.P. No.107963/2025 is directed against the order dated 30.10.2025 passed by the learned Single Judge, paragraph 7 of which, reads as under:

"7. *In the light of the Police Inspector being an accused, I deem it appropriate to direct the registration of the crime, as on the very perusal of the complaint itself, it*



is indicative of the commission of a cognizable offence of assault. The Superintendent of Police, Bellary, shall ensure a fair investigation into the matter, is necessary by entrusting it to any other police station, in the peculiar facts of the case by directing the registration of the crime, forthwith."

5. The parties to the appeal would be referred to as they stood before the learned Single Judge.

6. The petitioner approached this Court with a prayer for a writ of mandamus directing respondents No.2 and 3 to forthwith register a first information report against respondent No.5 based on the complaint filed by the petitioner dated 28.08.2025 (Annexures-D and D1), and for other ancillary reliefs. The learned Single Judge, with an observation that when a citizen approaches the police station of the jurisdiction alleging commission of cognizable offence by any person, be it a police officer, directed registration of crime with an observation that the Superintendent of Police, Ballari, shall ensure a fair investigation into the matter, if necessary, by entrusting it to any other police station. It was the grievance of the petitioner that his complaint against respondent No.5 was refused to be registered and he



was made to run from pillar to post including submission of representation to higher police officers. In the above circumstance, the learned Single Judge issued the direction which is extracted above.

7. Learned Senior Counsel for the petitioner would submit that the learned Single Judge committed a grave error in directing registration of the crime with a finding that the complaint was indicative of the commission of a cognizable offence. He further submits that, for registration of a crime, the procedure as contemplated under Sections 173 and 175 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') shall have to be followed and without following this procedure, the learned Single Judge could not have directed registration of crime. Thus, he prays for modification of the order passed by the learned Single Judge.

8. *Per contra*, Sri. Ravindra Patil learned counsel for Sri. Praveen G.Kulkarni, learned counsel for respondent No.5 would submit that the complaint of the petitioner against respondent No.5 was refused to be registered and, in that circumstance, he had approached the learned Single Judge. He



further submits that even the representation made to higher police officers was not taken note of. Therefore, he submits that the learned Single Judge was justified in directing registration of crime. Thus, he would pray for dismissal of the writ appeal.

9. Having heard the learned counsel for the parties and on perusal of the entire writ petition papers, we are of the considered opinion that the direction issued by the learned Single Judge needs modification for the following reason:

The Hon'ble Apex Court in ***Lalita Kumari Vs. Government of Uttar Pradesh***¹, has held that registration of FIR is mandatory if information discloses commission of a cognizable offence, and it is further observed that the police cannot refuse registration of crime on the complaint. It is the case of the petitioner that his complaint against respondent No.5-Police Officer was refused to be registered and he was made to run pillar to post. In that circumstance, the learned Single Judge is justified in directing registration of crime. But, we find fault with the learned Single Judge in observing that "on the very perusal of the complaint

¹ (2014) 2 SCC 1



itself, it is indicative of the commission of a cognizable offence of assault". The learned Single Judge, while directing registration of crime could not have made such an observation. It is for the Investigating Authority to investigate the complaint with regard to the offence alleged in the complaint.

10. Learned Senior Counsel has brought to the notice of this Court Sections 173 and 175 of BNSS, 2023 with regard to procedure to be followed in cognizable cases. We only add that, in addition to the direction issued by the learned Single Judge directing registration of crime, the procedure contemplated under Sections 173 and 175 of BNSS, 2023 shall be followed.

With the above, the writ appeal stands disposed of.

Pending interlocutory applications, if any, stand disposed of as not surviving for consideration.

**Sd/-
(S G PANDIT)
JUDGE**

**Sd/-
(GEETHA K.B.)
JUDGE**