



CNR: KAHC010220802025

NC: 2026:KHC:42347
WP No. 10551 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 10551 OF 2025 (GM-POLICE)

BETWEEN:

1. VAIBHAV JEWELLERS
OFF/AT NO. 944/A,
1ST FLOOR, 3RD CROSS,
4TH MAIN, D-BLOCK,
RAJAJINAGAR 2ND STAGE,
BENGALURU- 560 010
REPRESENTED BY ITS PROPRIETOR
SRI. VASANTH DATTA ANVEKAR
S/O DATTA V ANVEKAR

2. VAIBHAV JEWELS
OFF/AT 927/A, BBMP NO. M01
4TH MAIN, D- BLOCK,
RAJAJINAGAR II STAGE,
BENGALURU- 560 010
REPRESENTED BY ITS PROPRIETOR
SMT. VEENA VASANTH ANVEKAR
W/O VASANTH D ANVEKAR

Digitally signed
by SHWETHA
RAGHAVENDRA

Location: HIGH
COURT OF
KARNATAKA

(NOTE: PETITIONER NO. 1 AND 2 ARE PROPRIETORSHIP
CONCERNS AND
NOT REGISTERED UNDER ANY ACT)

... PETITIONERS

(BY SRI. SUYOG HERELE E., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY,
HOME DEPARTMENT
VIDHANA SOUDHA,
AMBEDKAR VEEDHI
BENGALURU - 560 001



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2. THE COMMISSIONER OF POLICE
BENGALURU CITY,
KARNATAKA - 560 001
3. THE INSPECTOR OF POLICE
SUBRAMANYANAGAR POLICE STATION
DR. RAJKUMAR ROAD,
SUBRAMANYANAGAR,
BENGALURU - 560 010
4. MANAPPURAM FINANCE LTD.
OFF/AT MANAPURAM HOUSE,
A.O VALAPAD, TRISSUR DISTRICT,
KERALA - 680 567

BRANCH AT:
JAYANAGAR, 9TH BLOCK,
2ND FLOOR EAST END MAIN ROAD,
NEAR FOOD CORPORATION OF INDIA
BENGALURU - 560 069
REP. BY AUTHORIZED SIGNATORY
(COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 1956)

... RESPONDENTS

(BY SRI. PANINI A.H., AGA FOR R1 TO R3;
SRI POORNA PRASAD, ADVOCATE FOR R4)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET-ASIDE/RECALL/REVIEW THE ORDER DATED W.P NO. 31570/2024 DATED 25-11-2024, PASSED BY THIS HON'BLE COURT (PRODUCED AT ANNEXURE-A) AND ALL FURTHER PROCEEDINGS PURSUANT THERETO, IN THE ENDS OF JUSTICE AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ



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ORAL ORDER

1. Petitioners are before this Court seeking for the following reliefs:

- i. Issue a Writ in the nature of Certiorari or any other writ, order and set-aside/recall/review the order dated W.P. No.31570/2024 dated 25-11-2024, passed by this Hon'ble Court (produced at Annexure-A) and all further proceedings pursuant thereto, in the ends of justice.*
- ii. Issue a Writ in the nature of Mandamus directing the Respondents police to seize the gold articles pledged by in connection with Crime No.220/2024 at Respondent No.4 and release the same in favour of the Petitioners, (Order sheet, FIR and Complaint dated 19/11/2024 produced at Annexure C, D and E respectively).*
- iii. Issue any other Writ or Order and grant such other and further reliefs as this Hon'ble Court may deem fit in the facts and circumstance of the case, in the interest of justice and equity.*

2. The respondent No. 4 on earlier occasion had approached this Court by filing W.P. No.31570/2024 challenging the notice which had been issued by the Investigating Officer under Section 94 of the



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Bharatiya Nagarik Suraksha Sanhita, 2023 directing the petitioner to produce the gold which is the subject matter of investigation by the Investigating Officer. The petitioner in that petition had contended that he would be co-operating with the investigation and as such the gold may be retained with them rather than the gold be seized by the Investigating Officer. The Co-ordinate Bench of this Court had, vide order dated 25.11.2024 taking that into account disposed the matter by recording the co-operation to be extended by respondent No. 4 herein.

3. The petitioners who are the complainants based on whose complaint the investigation was initiated and which is subject matter of W.P. No.31570/2024, are before this Court in the present petition.
4. The submission of Sri. Aruna Shyam, learned Senior Counsel appearing for the petitioners is that the petitioners who are the complainants were not made parties in W.P. No.31570/2024 and as such, the said



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order had been obtained behind the back of the petitioners. Respondent No. 4 knowing fully well that the investigation was happening on the basis of the complaint filed by the petitioners who claim to be the owner of the Gold jewelry, it was but required for respondent No. 4 to have made the petitioners parties in those proceedings so that the petitioners could have been heard in the matter.

5. There is substance in the submission made by the learned Senior Counsel for the petitioners. In that view of the matter, there would also be a requirement to issue general directions to the registry in matters which are filed by the Gold Finance Companies.

5.1. The Registrar (Judicial) is directed to instruct all concerned that if the complainant are the accused in the FIR has not been made a party to the writ petition, to raise an objection in relation thereto so



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**that it is brought to the notice of the Court
when the matter is taken up for
consideration that the original complainant
is not made a party.**

6. Insofar as the present matter is concerned, as has been observed by this Court in several matters, on the theft of the gold, if the owner lodges a complaint, many a times the gold is found in the possession of the Gold Finance Company with whom the alleged accused has pledged the gold. This aspect has been considered in detail by this Court in its order dated 04.02.2026 in W.P. No.31057/2025 and this Court has categorically held that in such a situation, the Gold Finance Company cannot retain possession of the said gold. If the gold is stolen gold, necessary P.F. Memo would have to be drawn up and has to be in the custody of the Court which is seized of the matter.



7. The Investigating Officer having called upon respondent No. 4 to produce the gold for the purpose of investigation, it would be but required for respondent no. 4 to produce the same before the Investigating Officer. If the Investigating Officer was of the opinion that it is the same gold as regards which there is allegation of theft made, then the same would have to be seized by the Investigating Officer and produced before the Magistrate seized of the said matter. Neither the Gold Finance Company nor the Investigating Officer can be in possession of the said stolen gold, as held by this Court in W.P.No. 31057/2025.
8. In that view of the matter, this Court passes the following:

ORDER

- (i) Writ petition is ***allowed***.



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(ii) The order dated 25.11.2024 passed in W.P. No. 31570/2024 is recalled.

(iii) Respondent No. 4 is directed to produce the gold jewelry/articles which is the subject matter of Crime No. 220/2024 before the concerned Investigating Officer. If the Investigating Officer is of the opinion that it is the same gold articles/jewelry, as regards which the complaint of theft has been filed, to seize the said gold, draw up P.F. Memo and place it in the custody of the jurisdictional Magistrate.

(iv) The right of any of the parties for handover of the said gold will be subject to the result of the pending proceedings and subject to orders on any application filed before the jurisdictional Magistrate seized of Crime No. 220/2024.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

VP