



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO.19420 OF 2026 (GM-POLICE)

BETWEEN:

RAMACHANDRA R.,
S/O CHANNEGOWDA,
AGED ABOUT 77 YEARS,
RESIDING AT NO.30,
KHB COLONY,
PAPAYYA GARDEN,
BASAVESHWARANAGAR,
2ND STAGE,
BENGALURU - 560 079.

...PETITIONER

(BY SRI. ARUNACHALAM SHIVAKUMAR.,ADVOCATE)

AND:

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA

1. STATE OF KARNATAKA
BY DIRECTORATE OF CIVIL RIGHTS
ENFORCEMENT POLICE STATION,
BENGALURU CITY WEST,
TTMC 'B' BLOCK, 4TH FLOOR,
BMTc BUILDING, K.H ROAD,
SHANTHINAGAR, BENGALURU - 560027
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING.
BENGALURU - 560001



2. K.CHIKKAYYA
SON OF LATE KARIAYYA
AGED MAJOR
RESIDING AT NO.1168/1,
1ST MAIN ROAD, SHANKARNAG BUS
STOP, KAMALANAGAR,
BANGALORE- 560079

...RESPONDENTS

(BY SRI. DEVARAJ C.H., GA FOR R1/STATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE NOTICE DATED 11.06.2026 BEARING OFFICE NO. SP/LP/67/DCRE/PS/26 ISSUED BY THE DIRECTORATE OF CIVIL RIGHTS ENFORCEMENT POLICE STATION, BENGALURU WEST/RESPONDENT NO.1 HEREIN THE NOTICE DATED 11.06.2026 IS HERewith FURNISHED AND MARKED AS ANNEXURE-A.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ



ORAL ORDER

1. Petitioner is before this court seeking for the following reliefs:

*"Issue a writ of certiorari or any other appropriate writ, order or direction quashing the notice dated 11.06.2026 bearing Office No.SP/LP/67/DCRE/PS/26 issued by the Directorate of Civil Rights Enforcement Police Station, Bengaluru West/respondent No.1 herein. The notice dated 11.06.2026 is herewith furnished and marked as **Annexure A**.*

Pass any such further or further orders that this Hon'ble Court may deems fit under the facts and circumstances of the above case in the interest of justice and equity."

2. A complaint having been filed by respondent No.2 with respondent No.1, the Directorate of Civil Rights Enforcement Police Station, Bengaluru City West, respondent No.1 has issued a notice to the petitioner on 11.06.2026. It is challenging the said notice that the petitioner is before the Court seeking for the aforesaid reliefs.
3. The submission of Sri.Arunachalam Shivakumar learned counsel for the petitioner is that there is no FIR which has been registered against the petitioner and therefore, no notice could be issued or no



preliminary enquiry could be resorted to by respondent No.1 in the present matter. He relies on the decision of the Hon'ble Madras High Court in the case of **State Represented by The Inspector of Police vs. P.Manivelan** in **Crl.OP.No.10929/2019 & Crl.M.P.No.5599/2019** disposed on 04.06.2019, more particularly para 7 thereof, which is reproduced hereunder for easy reference:

"7. *It will be useful to rely upon the judgement of this Court in Prakash Transports Vs. Inspector of Police, referred supra, wherein this Court has held as follows.*

"2. The learned counsel appearing for the petitioners submits that as no crime was registered by the respondent-police, he has no jurisdiction to issue summons under Section 160 Cr.P.C., compelling the petitioners to appear before him and therefore, the summons has to be quashed. I find some substance in the said contention. The summons, which I have extracted above, shows that the officer did not even mention the crime number in the said summons. The learned Public Prosecutor also submits that no crime was registered by the respondent. If that be the case, it is not understandable as to how he should issue summons, since under Section 160 Cr.P.C., summons could be issued by any police officer making an investigation under that Chapter, which means that investigation is a sine qua non for issuing summons and the investigation can be conducted only in connection with the crime registered in terms of Section 154



Cr.P.C. Since there is no crime registered in terms of Section 154 Cr.P.C., no summons can be issued under Section 160 Cr.P.C., summoning a person to appear before the officer. As the summons summoning the petitioners, issued by the officer, is without jurisdiction, it is quashed. The petition is allowed.

4. By relying on ***P.Manivelan's*** case *supra* which in turn relies on ***Prakash Transport's case***, his submission is that until and unless a FIR is registered, no notice could be issued to the petitioner.
5. A perusal of the decision of the Hon'ble Madras High Court would indicate that, that was in relation to a summons issued under Sections 91 and 160 of the erstwhile Cr.P.C. The allegations which had been made in that matter were as regards criminal offences and not an allegation as regards human right violation as in the present matter. The Hon'ble Madras High Court came to a conclusion that in respect of criminal proceedings, summons could not have been issued without registering a crime number.



6. In the present case, the issue is different inasmuch as it is not a crime under the BNSS or the like which is alleged, but it is a violation of human rights which has been alleged. Human right in its broad perspective has been alleged, more particularly under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Such being the case, before registering any further proceedings, there would be a requirement to conduct a preliminary inquiry by the Civil Rights Enforcement Police Station and thereafter proceed with the same.
7. Respondent No.1 before registering the FIR has called upon the petitioner to give his statement as regards the allegations made against the petitioner. Insofar as these proceedings are concerned, it is not required that an FIR is registered before summons are issued. It is for the petitioner to make use of the opportunity and make available such documents as the petitioner wishes to rely upon for respondent No.1 to consider



whether to go ahead with the criminal proceedings or not. No fault can be found with the action taken by respondent No.1.

8. No grounds being made out, petition stands ***dismissed.***

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

DS
CT:TSM
List No.: 1 Sl No.: 9