HC-KAR
CNR: KAHC010484332026

NC: 2026:KHC:39051
WP No. 21921 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 21921 OF 2026 (GM-POLICE)

BETWEEN:

SRI SUBBAIAH
S/O YALLAIAH
AGED ABOUT 51 YEARS
R/AT KUMBARAGERI MADIGARA VILLAGE,
YESALURU HOBLI,
SAKLESHPURA TALUK,
HASSAN DISTRICT-573201

...PETITIONER

(BY SRI. SAMPATH KUMAR A V, ADVOCATE)

AND:

Digitally signed by SHWETHA RAGHAVENDRA
Location: HIGH COURT OF KARNATAKA

1. STATE OF KARNATAKA
   BY YESALURU POLICE STATION
   HASSAN DISTRICT
   REP. BY SPP
   HIGH COURT BUILDING
   BANGALORE-01

2. SUPERINTENDENT OF POLICE,
   HASSAN DISTRICT, R C ROAD,
   OPP. GOVT HOSPITAL,
   HASSAN 573201

3. POLICE SUB-INSPECTOR
   YESALUR POLICE STATION,
   SAKALESHPURA TALUK,

HASSAN DISTRICT-573137.

…RESPONDENTS

(BY SMT. SARITHA KULKARNI, AGA)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE YESLER POLICE TO FILE FINAL REPORT/ CHARGESHEET IN CONNECTION TO UDR NO. 22/2023, BEFORE THE ADDL. CIVIL JUDGE AND JMFC, COURT, SAKALESHPURA TO ENABLE THE PETITIONER TO FILE A PROTEST PETITION.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Learned AGA is directed to accept notice for the respondents.

2. The petitioner is before this Court seeking for the following reliefs:

> "*a. Issue a writ in the nature of mandamus or in the nature thereof or any other appropriate writ, directing the Yesler police to file Final report / chargesheet in connection to UDR. NO. 22/2023, before the Addl. Civil Judge & JMFC Court, Sakaleshapura to enable the petitioner to file a protest petition in the interest of Justice and equity.*
>
> *b. To pass any such order as this Hon'ble court deems fit in the circumstances of the case in the interest of justice and Equity."*

3. One Santhosh died on 09.12.2023. A complaint was lodged alleging that his death had occurred due to the failure to administer proper and necessary medical treatment. Based on the said complaint, an Unnatural Death Report (UDR) was registered as UDR No.22/2023 under Section 174 of the Code of Criminal Procedure, 1973 (CrPC). Thereafter, an inquest was conducted by the Executive Magistrate in accordance with Section 174 of the Code of Criminal Procedure, 1973 (CrPC), and an Inquest Report was submitted on 10.12.2023. However, no final report has been filed by the jurisdictional police before the jurisdictional Magistrate in respect of the said proceedings. It is in these circumstances that the petitioner has approached this Court seeking the aforesaid reliefs.

4. Learned counsel for the petitioner submits that once proceedings are initiated under Section 174 of the Code of Criminal Procedure, 1973 (CrPC), the inquest conducted by the Executive Magistrate constitutes only one part of the investigative process. According to him,

the Inquest Report submitted by the Executive Magistrate cannot be treated as the final report. Upon completion of the investigation, it is incumbent upon the jurisdictional police to submit a final report before the jurisdictional Magistrate in accordance with law, taking into consideration the findings recorded in the Inquest Report as well as the material collected during the course of the investigation.

5. In support of his submission, he relies upon the decision of the Hon'ble Madras High Court in the case of ***Manohari v. District Superintendent of Police and Ors.,***[1] , more particularly paras 4, 6, 8, 9, 10, 11, 12 and 24 thereof, which are reproduced hereunder for easy reference:

> *"4. This Court framed the following question and sought for the views of the various Bar Associations and requested them to assist the Court.*
>
> *i)Where a First Information Report is registered under Section 174 of Criminal Procedure Code and in the course of investigation, the police finds that no offence has been made out, where should the*

[1] 2018 SCC Online Madras 14216

final report be filed? In the instant case, it is found that the final report has been filed by the police before the Revenue Divisional Officer, Thanjavur. In this regard, the learned Government Advocate (Criminal Side) appearing for the respondents submits that this is the procedure that is being followed in all cases, wherever the First Information Report is registered under Section 174 of Criminal Procedure Code and the police on investigation finds that no offence has been made out.

6. Sections 174, 175 and 176 of Criminal Procedure Code deal with inquiries into suicide or inquiries into sudden, violent or unnatural deaths. Section 174 provides for such inquiries by the Police and Section 176, by Judicial Magistrates. The object of the Inquest Proceedings is merely to ascertain whether a person has died under unnatural circumstances or an unnatural death and if so, what is the cause of death. The question regarding the details as to how the deceased was assaulted or who assaulted him or under what circumstances he was assaulted, is foreign to the ambit and scope of proceedings under Section 174 of Criminal Procedure Code. Infact the names of the assailants and the manner of assault are not even required to be mentioned in the Inquest Report. The purpose of holding an inquest is very limited. It is done in order to ascertain as to whether a person has committed suicide or has been killed by another or by an animal or by machinery or by an accident or has died under circumstances raising a reasonable suspicion that some other person has committed an offence.

8. Section 174 of Criminal Procedure Code peremptorily requires that the Police Officer holding an inquest on a dead body should do so at the spot. This mandate is clear from the usage of the word "there" occurring in sub Section 1 of Section 174. Section 174 (3) also requires the Police Officer to forward the dead body, with a view to its being examined, to the nearest Medical Officer appointed in this behalf, by the State Government.

9. An Inquest Report is a report required to be made by the Inquest Officer with respect to the apparent cause of death. It is to be prepared in the presence of two or more respectable inhabitants of the neighborhood and has to describe the wounds, fractures, bruises and other marks of injuries as are found on the dead body and stating in what manner or by what weapon or instrument [if any], such marks appear to have been inflicted. Therefore, by a very reading of Section 174(1) of Cr. P.C., it is clear that an Inquest Report need not even state the manner in which the incident took place or the names of the accused who caused the death.

10. As a general proposition of law an F.I.R loses its authenticity if it is lodged after the Inquest Report is recorded. However, there may be cases where a Police Officer may receive a telephonic message or information to the effect that the deceased person is lying in a serious condition. In such cases the Police Officer may have to rush to the spot and the situation may warrant him to conduct an inquest and prepare a report on the spot, and thereafter a F.I.R may be registered under Section 174 of Criminal Procedure Code. That by itself does not make the F.I.R lose its authenticity. The reason is not far to seek. A combined reading of Section 2(h) and Section 157 of Cr. P.C. makes it clear that where an

information regarding the cognizable offence is furnished to the Police, that information will be regarded as the FIR and all the inquiries held by the Police subsequent there to would be treated as an investigation, even though the formal registration of the F.I.R takes place only later. Therefore, in such cases the Inquest Report prepared by the Police Officer will be valid even though the F.I.R came to be registered later.

11. The above discussion makes it clear as to what an Inquest Report is all about. It is this Inquest report that is contemplated under Section 174 (2) of Criminal Procedure Code, that is to be forwarded to the District Magistrate or the Sub Divisional Magistrate. On receipt of such Inquest Report from the Police, Section 174 (4), independently, empowers certain categories of Magistrates to hold inquest. The legislature has thought it fit that it is necessary that inquest should also be conducted by an independent authority apart from the Police. This power conferred under Section 174 of Criminal Procedure Code is more in the nature of a fact finding inquiry and it does not have the characteristic of a Judicial or Quasi Judicial proceeding. The object of the inquiry is nothing more than to furnish materials on which action might be taken and the report by itself given by such Magistrate is more recommendatory and it does not amount to a decision or determination of rights of parties. Such report ultimately will have to be submitted only to the Police. This report will form part of the materials collected by the Police in the course of investigation. Ultimately, the Police will have to independently investigate the case and file a Final Report after completion of the investigation under Section 173 of Criminal Procedure Code.

12. All the learned counsel appearing for the petitioners and also for the respective Bar Associations, unanimously submitted that the Police have wrongly understood the term "report" used in Section 174 (2) of Cr. P.C. and has given it the meaning of a Final Report. Where as the meaning to be assigned to the said report is only the Inquest Report prepared by the Police under Section 174(1) of Criminal Procedure Code. It was also submitted that the purpose of the Inquest Report prepared under Section 174(1) of Cr. P.C. by the Executive Magistrate is only to aid the Investigating Officer, in the course of investigation. Therefore, it was submitted that a Final Report whether it is a positive report or a Closure Report, can be submitted by the Investigating Officer only before the concerned Jurisdictional Magistrate under Section 173(2) of Criminal Procedure Code.

24. *In view of the above, this Court proceeds to answer the issue that was raised in this case as follows:*

a) The Police on receipt of an information about the suspicious death shall registered an F.I.R under Section 174 of Criminal Procedure Code and thereafter he can proceed to the scene of occurrence and prepare an Inquest Report.

b) When a Police Officer receives an information to the effect that the deceased is lying in a serious condition, he can rush to the scene of occurrence, in order to see if he can save the victim and if in case the victim does not survive he can proceed to prepare the Inquest Report in accordance with Section 174(1) of Cr. P.C., and thereafter register an F.I.R under Section 174 of Cr. P.C. The Inquest Report has to describe the wounds, fractures, bruises

and other marks of injuries as are found on the dead body and state in what manner, or by what weapon or instrument [if any], such marks appear to have been inflicted.

c) The Police Officer shall also prepare a Rough Sketch of the place of occurrence.

d) The Inquest Report and the Rough Sketch shall be prepared in the presence of two or more respectable inhabitants of the neighborhood.

e) The object of the Inquest Proceedings is merely to ascertain whether a person has died under unnatural circumstances or an unnatural death and if so, what is the cause of death. The Inquest Report need not contain details such as how the deceased was assaulted or who assaulted him or under what circumstances he was assaulted and these facts are not within the scope of Inquest Proceedings and they fall within the scope of the investigation to be conducted by the Police.

f) immediately after the preparation of the Inquest Report in accordance with Section 174(1) of Criminal Procedure Code, the Police shall submit the same to the Executive Magistrate under Section 174(2) in order to enable the Executive Magistrate to hold an independent inquest as contemplated under Section 174(4) of Criminal Procedure Code.

g) The Executive Magistrate on completion of the inquest shall submit a report to the Police and such report shall form part of the investigation conducted

by the Police and the Police shall collect details from such report and conduct the investigation accordingly.

h) The power of the Police to investigate is in no way stopped or curtailed or interfered with by the inquest held by the Executive Magistrate and the freedom of the Police to proceed with the investigation will be left untouched.

i) The Police on the conclusion of the investigation shall file a Final Report under Section 173(2) of Cr. P.C. only before the jurisdictional Magistrate and not before the Executive Magistrate. This will apply, in both cases, whether the Final Report is a positive report or is a Closure Report.

j) If in case the Police proceeds to file a Closure Report, the victim shall be entitled to be served with a R.C.S notice in order to enable him to file a protest Petition before the concerned Magistrate.

k) On such protest Petition being filed, the concerned Judicial Magistrate shall act in accordance with law laid down by the Hon'ble Supreme Court in Vinay Tyagi v. Irshad Ali, [(2013) 5 SCC 762].

24. *It is made clear that in all future cases where the F.I.R is registered under Section 174 of Cr. P.C., the above procedure shall be scrupulously followed. A copy of this order may be sent to the Director General of Police, Chennai and also to the Inspector General of Police in the various Zones in order to enable them to sensitize the Police and give necessary instructions with*

> *regard to the manner in which the Police will have to proceed in all cases where an FIR is registered under Section 174 of Cr. P.C."*

6. A perusal of the exhaustive and well-reasoned judgment of Justice Anand Venkatesh of the Hon'ble Madras High Court in **Manohari** clearly indicates that the Court has authoritatively explained the nature, scope and object of proceedings under Section 174 of the Code of Criminal Procedure, 1973.

7. The Hon'ble Madras High Court has held that the mandate of Section 174 requires the police officer to forward the dead body for examination by the nearest Medical Officer appointed by the State Government and thereafter prepare an Inquest Report with respect to the apparent cause of death in the presence of two or more respectable inhabitants of the locality. Such report is required to describe the wounds, fractures, bruises and other marks of injury found on the body and the apparent manner in which such injuries appear to have been caused.

8. The Hon'ble Madras High Court has further held that the Inquest Report prepared under Section 174 of the CrPC is not a final report. It merely forms part of the materials collected during the course of investigation. Whether the First Information Report is registered before or after the preparation of the Inquest Report would not affect its validity. The Inquest Report is only a fact-finding report intended to ascertain the apparent cause of death and does not conclude the investigation.

9. The judgment further makes it clear that the report submitted by the Executive Magistrate pursuant to the inquest is only intended to aid the investigation conducted by the police. The power and duty of the Investigating Officer to conduct an independent investigation remain unaffected by the inquest proceedings. Upon completion of the investigation, it is incumbent upon the Investigating Officer to submit a final report under Section 173(2) of the Code of Criminal Procedure, 1973 before the jurisdictional Judicial Magistrate, irrespective of whether such report is a

charge-sheet or a closure report. The Executive Magistrate's Inquest Report cannot be treated as a substitute for, or equated with, the final report contemplated under Section 173(2) of the CrPC.

10. Having so held, the Hon'ble Madras High Court, in paragraph 24 of the judgment extracted supra, has laid down the procedure to be followed by the police and the Executive Magistrate in cases where proceedings are initiated under Section 174 of the Code of Criminal Procedure, 1973. The principles so laid down squarely govern the present case.

11. On and from the date of the Code of Criminal Procedure being repealed by Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) the said findings would be equally applicable to Section 194 of the BNSS, 2023.

12. In view of the foregoing discussion, the submission of the learned Additional Government Advocate that, under Section 174 of the Code of Criminal Procedure, 1973 or Section 194 of the BNSS, 2023, the proceedings

culminate upon submission of the Inquest Report to the Executive Magistrate and that no further report is required to be filed before the jurisdictional Judicial Magistrate cannot be accepted. As authoritatively held by the Hon'ble Madras High Court in **Manohari**, the Inquest Report submitted by the Executive Magistrate is only one of the materials collected during the course of investigation. It neither concludes the investigation nor constitutes the final report contemplated under Section 173(2) of the Code of Criminal Procedure, 1973. Upon completion of the investigation, it is incumbent upon the Investigating Officer to file an appropriate final report before the jurisdictional Judicial Magistrate seized of UDR No.22/2023, in accordance with law, taking into consideration the Inquest Report and the other materials collected during the investigation.

13. In that view of the matter, this Court passes the following:

ORDER

i. The writ petition is allowed;

ii. A mandamus is issued directing respondent No.3 to complete the investigation and file the final report before the Court seized of UDR No.22/2023 i.e., the Additional Civil Judge and JMFC Court, Sakleshpura;

iii. The Director General of Police is directed to forward a copy of the order passed by the Hon'ble Madras High Court in the case of ***Manohari*** *(supra)* in English as also translated into Kannada to all Investigating Officers along with a copy of this order and file a compliance report within 4 weeks from this date;

iv. Though the above matter is disposed, re-list on 25.08.2026 for reporting compliance.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

ND
List No.: 1 Sl No.: 9