HC-KAR
CNR: KAHC010676422025

NC: 2026:KHC:60505
WP No. 31910 of 2025
C/W WP No. 31320 of 2025

®

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 31910 OF 2025 (GM-POLICE)

C/W

WRIT PETITION NO. 31320 OF 2025 (GM-POLICE)

IN W.P.NO.31910/2025

BETWEEN

1. SHIVA ENTERPRISES
   A PARTNERSHIP FIRM
   HAVING ITS OFFICE AT
   PLOT NO. 5J (PART-I)
   II PHASE, ANTHARASANAHALLI INDUSTRIAL AREA
   KIADB TUMKUR
   KARNATAKA 572106
   REPRESENTED BY ITS PARTNERS
2. ATUL LAKRA-PARTNER
   S/O JAGADISH LAKRA
   AGED ABOUT 28 YEARS
   80 FEET ROAD, TUDA LAYOUT
   SIRA GATE TUMKUR
   KARNATAKA 572106
3. ROHIT VATS-PARTNER
   S/O JASMER SINGH
   AGED ABOUT 29 YEARS
   TUNGABHADRA BLOCK,
   NEAR HMS SCHOOL, TUMKUR
   KARNATAKA 572106

... PETITIONERS

(BY SRI. GAUTAM S. BARADWAJ., ADVOCATE FOR

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SRI. GOUDAR PRASHANTH FAKKERAGOUDA., ADVOCATES)

AND

1. STATE OF MAHARASHTRA
   SECRETARY HOME DEPARTMENT
   HOME DEPARTMENT
   NEW ADMINISTRATIVE BUILDING
   HUTATMA RAJGURU CHOWK
   MADAM CAMA ROAD
   OPPOSITE MANTRALAYA
   MUMBAI 400032

2. STATE OF MAHARASTRA
   THROUGH VADGAON POLICE STATION
   REPRESENTED BY ITS STATION HOUSE OFFICER
   DISTRICT KOLHAPUR
   PIN-416112.

3. STATE OF KARNATAKA
   TUMKUR RURAL POLICE STATION
   TUMKUR KARNATAKA
   REPRESENTED BY PUBLIC PROSECUTOR
   PIN-572101.

....RESPONDENTS

(BY SRI MOHAMMAD JAFFER SHAH AND
SRI. PANINI A.H., AGA FOR R3;
R1 & R2 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO GRANT AN ORDER OF WRIT IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENT NO.2 NOT TO HARASS THE PETITIONERS OR INTERFERE WITH THEIR LAWFUL BUSINESS UNDER THE GARB OF INVESTIGATION BASED ON THE CASE REGISTERED BY THE RESPONDENT NO.2 - VADGAON POLICE STATION AGAINST THIRD PARTIES BEING CRIME NO. 446/2025 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 59, 30(2)(A), 27 (3)(D), 27(3)(E), 26(2)(IV), 26(2)(I) OF FOOD SAFETY AND STANDARDS ACT OF 2006 AND ALSO UNDER SECTIONS 275, 274, 223, 123 OF BNS 2023 AT ANNEXURE- B.AND ETC.

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IN W.P.NO.31320/2025
BETWEEN

1. SIDDHI AGENCIES
   A PARTNERSHIP FIRM
   OFFICE AT PLOT NO. 75,76,77, AND 78,
   IIND PHASE, ANTHARASANAHALLI INDUSTRIAL AREA,
   K.I.A.D.B., TUMKUR
   KARNATAKA - 572106.
   REPRESENTED BY ITS PARTNERS
2. MAQSOOD AHAMED KHAN- PARTNER
   S/O RAHAMAN KHAN
   AGED ABOUT 43 YEARS
   JS PALYA KESARMUDU (POST), TUMKUR
   KARNATAKA – 572101
3. NAVEEN U - PARTNER
   S/O UMA SHANKAR S
   AGED ABOUT 39 YEARS
   NO. 133, 10TH MAIN, KALLAPA BLOCK,
   SRI NAGAR, BANGALORE SOUTH,
   BANGALORE KARNATAKA -560050

... PETITIONERS

(BY SRI. GAUTAM S. BARADWAJ., ADVOCATE FOR
SRI. GOUDAR PRASHANTH FAKKERAGOUDA., ADVOCATES)

AND

1. STATE OF MAHARASHTRA
   SECRETARY HOME DEPARTMENT
   HOME DEPARTMENT
   NEW ADMINISTRATIVE BUILDING
   HUTATMA RAJGURU CHOWK
   MADAM CAMA ROAD
   OPPOSITE MANTRALAYA
   MUMBAI 400032

2. STATE OF MAHARASTRA
   THROUGH VADGAON POLICE STATION
   REPRESENTED BY ITS STATION HOUSE
   OFFICER

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DISTRICT KOLHAPUR
PIN-416112.

3. STATE OF KARNATAKA
TUMKUR RURAL POLICE STATION
TUMKUR KARNATAKA-572101
REPRESENTED BY PUBLIC PROSECUTOR

....RESPONDENTS

(BY SRI MOHAMMAD JAFFER SHAH AND
SRI. PANINI A.H., AGA FOR R3;
R1 & R2 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO GRANT AN ORDER OF WRIT IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENT NO.2 NOT TO HARASS THE PETITIONERS OR INTERFERE WITH THEIR LAWFUL BUSINESS UNDER THE GARB OF INVESTIGATION BASED ON THE CASE REGISTERED BY THE RESPONDENT NO.2 - VADGAON POLICE STATION AGAINST THIRD PARTIES BEING CRIME NO. 446/2025 UNDER ANNEXURE- B.AND ETC.

THESE WRIT PETITIONS COMING ON FOR ORDERS AND HAVING BEEN RESERVED FOR ORDERS ON 09.09.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CAV ORDER

1. The petitioners in W.P.No.31910/2025 are before this Court seeking for the following reliefs:

> *(i) Grant an order of Writ in the nature of mandamus directing the Respondent No.2 not to harass the Petitioners or interfere with their lawful business under the garb of investigation based on the case registered by the Respondent No.2 - Vadgaon Police Station against third parties being Crime No.*

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446/2025 for the offences punishable under Sections 59, 30(2)(a), 27 (3)(d), 27(3)(e), 26(2)(iv), 26(2)(i) of Food Safety and Standards Act of 2006 and also under Sections 275, 274, 223, 123 of BNS 2023 at Annexure- B.

(ii) Direct the Respondent No. 2, State of maharastra-Police to follow the laid down procedure under the law in the matter of investigation in another State (i.e. Karnataka herein)

(iii) Grant such other relief/s that are deemed fit under the facts and circumstances of the case, in the interest of justice and equity.

2. The petitioners in W.P.No.31320/2025 are before this Court seeking for the following reliefs:

(i) Grant an order of Writ in the nature of mandamus directing the Respondent No.2 not to harass the Petitioners or interfere with their lawful business under the garb of investigation based on the case registered by the Respondent No.2 - Vadgaon Police Station against third parties being Crime No. 446/2025 under Annexure- B.

(ii) Direct the Respondent No. 2, to follow the laid down procedure under the law in the matter of investigation in another State.

(iii) Grant such other relief/s that are deemed fit under the facts and circumstances of the case, in the interest of justice and equity.

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Facts in WP No.31320/2025:

3. Petitioner No. 1 is a registered partnership firm engaged in the business of trading in pan masala and chewing tobacco, operating from Plot Nos. 75 to 78, II Phase, Antharasanahalli Industrial Area, KIADB, Tumkur, Karnataka. Petitioners Nos. 2 and 3 are its partners. Petitioner No. 1 claims to be a licensed trader/stockist/consignment and forwarding (CNF) agent for pan masala and tobacco products within the State of Karnataka, engaged in their further sale and distribution to dealers.

4. It is the case of the petitioners that the sale of pan masala and chewing tobacco is permitted in the States of Karnataka, Kerala and Goa, as well as in the Union Territory of Andaman and Nicobar Islands. According to them, the products are supplied by the manufacturers to traders/stockists/CNF agents such as petitioner No. 1, who distribute the same to dealers, from whom the products pass through wholesalers and retailers before reaching the consumers. The petitioners contend that, once the products are sold to dealers and distributors, petitioner No. 1 has no control over their subsequent dealings or the further movement of the products.

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5. It is further contended that, on 19.08.2025, the officers of Vadgaon Police Station, Kolhapur District, Maharashtra, purportedly acting on information received from the Deputy Superintendent of Police, Jaysingpur Division, intercepted a truck at Kagni Toll Naka, Hatkanangale, Kolhapur, on the Bengaluru–Pune Highway, on suspicion that it was transporting prohibited tobacco products. Upon inspection, the officers allegedly found pan masala and chewing tobacco manufactured in Karnataka and seized the same on the ground that the manufacture and sale of such products were prohibited in the State of Maharashtra.

6. On 20.08.2025, a police constable lodged a complaint against unknown persons before respondent No. 2, pursuant to which FIR in Crime No. 446/2025 was registered for the alleged offences punishable under Sections 59, 30(2)(a), 27(3)(d), 27(3)(e), 26(2)(iv) and 26(2)(i) of the Food Safety and Standards Act, 2006, (hereinafter referred to as the '**FSS Act'**) and Sections 275, 274, 223 and 123 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as the '**BNS'**).

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7. The petitioners further contend that, although neither petitioner No. 1 nor petitioner Nos. 2 and 3 were named in the FIR, on 21.08.2025, a team of five to six police personnel from Vadgaon Police Station, Maharashtra, visited the premises of petitioner No. 1 at Tumkur and informed the petitioners that they had come to conduct an enquiry in connection with Crime No. 446/2025. A notice dated 21.08.2025 was thereafter issued to the partners, directing them to appear before Vadgaon Police Station. However, their statements came to be recorded at Tumkur and not at Vadgaon.

8. In the aforesaid circumstances, the petitioners have approached this Court seeking the reliefs set out in the petition.

Facts in WP No.31910/2025:

9. Petitioner No. 1 is a registered partnership firm, of which petitioners Nos. 2 and 3 are the partners. Petitioner No. 1 is stated to be engaged in business as a trader/stockist/consignment and forwarding (CNF) agent for pan masala and chewing tobacco.

10. On 19.08.2025, the officers of Vadgaon Police Station intercepted a Tata truck bearing registration No. MH-

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03/CH-3017. On 20.08.2025, a police constable lodged a complaint, pursuant to which Crime No. 446/2025 came to be registered for the alleged offences punishable under Sections 59, 30(2)(a), 27(3)(d), 27(3)(e), 26(2)(iv) and 26(2)(i) of the '**FSS Act'**, and Sections 275, 274, 223 and 123 of the '**BNS'**.

11. The petitioners contend that, notwithstanding the fact that neither petitioner No. 1 nor petitioners Nos. 2 and 3 were named in the FIR, on 21.08.2025, five to six police personnel from Vadgaon Police Station, Maharashtra, visited the premises of petitioner No. 1 at Tumkur and stated that they had come to conduct an enquiry in connection with Crime No. 446/2025. A notice dated 21.08.2025 was issued to the partners requiring them to appear before Vadgaon Police Station. However, their statements came to be recorded at Tumkur and not at Vadgaon.

12. In the aforesaid circumstances, the petitioners have approached this Court seeking the reliefs prayed for in the petition.

13. Sri Gautam S. Bharadwaj, learned counsel appearing for the petitioners in both the matters, submitted as follows:

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13.1. The FIRs in both cases have been registered by Vadgaon Police Station, Kolhapur, Maharashtra, as is evident from the FIR produced at Annexure-B to the respective petitions. Neither FIR names the petitioners. Although notices were issued to the petitioners requiring them to appear before Vadgaon Police Station on 23.08.2025 at 11.00 a.m., their statements were recorded by the said police at Tumkur, Karnataka.

13.2. Learned counsel contended that the police personnel from Maharashtra could not have visited the petitioners' premises in Karnataka without informing the local police and obtaining their consent or concurrence. No police personnel from the local police station in Karnataka were present at the time of such visit. It was further contended that Vadgaon Police Station lacks territorial jurisdiction to investigate the petitioners, who are carrying on business at Tumkur, or to issue notices to them within the State of Karnataka.

13.3. Learned counsel further submitted that the notice purportedly issued under Section 179 of

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the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is without authority of law, as respondent No. 2 had neither obtained prior permission nor secured the concurrence of the competent authorities in Karnataka. Referring to Section 179 of the BNSS, learned counsel contended that the power of a police officer to require the attendance of persons for investigation is confined to persons within the limits of the officer's own police station or an adjoining police station. Accordingly, it was argued that respondent No. 2, being a police officer of the State of Maharashtra, had no authority to issue such notices to the petitioners in Karnataka.

13.4. Section 179 of the BNSS which corresponds to earlier Section 160 of the Code of Criminal Procedure, 1973 (for short 'CrPC') is reproduced hereunder for easy reference:

> ***179. Police officer's power to require attendance of witnesses.***
>
> *(1)Any police officer making an investigation under this Chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be*

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acquainted with the facts and circumstances of the case; and such person shall attend as so required:

Provided that no male person under the age of fifteen years or above the age of sixty years or a woman or a mentally or physically disabled person or a person with acute illness shall be required to attend at any place other than the place in which such person resides:

Provided further that if such person is willing to attend at the police station, such person may be permitted so to do

(2)The State Government may, by rules made in this behalf, provide for the payment by the police officer of the reasonable expenses of every person, attending under sub-section (1) at any place other than his residence.

13.5. Placing reliance on Section 179 of the BNSS, learned counsel submitted that the power of a police officer to require the attendance of a person acquainted with the facts and circumstances of a case is subject to the territorial limits prescribed under the said provision. Accordingly, respondent No. 2, being a police authority in the State of Maharashtra, could not have exercised such power in respect of the petitioners, who are carrying on business at Tumkur, Karnataka, in the manner complained of.

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13.6. Learned counsel further submitted that, despite the petitioners having cooperated with the investigation, respondent No. 2 continued to harass them through repeated telephone calls, visits to their premises and issuance of notices, including notices purportedly under Section 179 of the BNSS. It was contended that respondent No. 2 could not have undertaken such acts within the State of Karnataka in the manner adopted. The police authorities had also sought to inspect the petitioners' books of account and called upon them to furnish copies of their business ledgers. According to learned counsel, the actions of respondent No. 2 were beyond its lawful authority and contrary to the procedure prescribed under the BNSS. He therefore contended that the entire course of action adopted by respondent No. 2 was without jurisdiction.

13.7. Learned counsel further submitted that the CrPC and the BNSS, are referable to Entries 1 and 2 of List III (Concurrent List) of the Seventh Schedule to the Constitution of India. In support of his submission, learned counsel

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invited the attention of the Court to the said entries, which read as follows:

> *"**1. Criminal law**, including all matters included in the Indian Penal Code at the commencement of this Constitution but excluding offences against laws with respect to any of the matters specified in List I or List II and excluding the use of naval, military forces or any other armed forces of the Union in aid of the civil power.*
>
> ***2. Criminal procedure**, including all matters included in the Code of Criminal Procedure at the commencement of this Constitution."*

13.8. The police authorities derive their investigation powers in terms of Entry 2 of List No.2, which is a State List of the Seventh Schedule, which is reproduced hereunder for easy reference:

> ***2. Police** (including railway and village police) subject to the provisions of entry 2A of List I*

13.9. Placing reliance on Entry 2, learned counsel contended that the power of investigation is exercisable by the police in accordance with the territorial jurisdiction vested in them and that, in the present case, the investigation could be undertaken only by the police authorities having territorial jurisdiction over the place where the petitioners carry on their business. Accordingly, it was submitted that the police

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authorities of the State of Maharashtra could not exercise investigative powers within the State of Karnataka in the manner complained of.

13.10. Learned counsel further submitted that Entry 80 of List I (Union List) of the Seventh Schedule to the Constitution of India specifically provides for the extension of the powers and jurisdiction of members of a police force belonging to one State to areas outside that State, subject to the constitutional limitation that the police of one State cannot exercise such powers and jurisdiction in another State without the consent of the Government of the State in which such area is situated. The said entry reads as follows:

> ***80.*** *Extension of the powers and jurisdiction of members of a police force belonging to any State to any area outside that State, but not so as to enable the police of one State to exercise powers and jurisdiction in any area outside that State without the consent of the Government of the State in which such area is situated; extension of the powers and jurisdiction of members of a police force belonging to any State to railway areas outside that State.*

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13.11. Learned counsel submitted that the constitutional scheme distinguishes between legislative competence over criminal procedure, traceable to Entries 1 and 2 of List III (Concurrent List), and police administration, referable to Entry 2 of List II (State List). He contended that Entry 80 of List I (Union List) specifically contemplates the extension of the powers and jurisdiction of a State police force beyond its territorial limits, subject to the restriction that the police of one State cannot exercise such powers in another State without the consent of the Government of that State. On this constitutional premise, learned counsel argued that respondent No. 2 could not exercise investigative powers within the State of Karnataka in the manner complained of, in the absence of compliance with the applicable constitutional and statutory requirements.

13.12. He refers to the decision of the Hon'ble Apex Court in the case of ***Bhavesh Jayanti Lakhani vs. State of Maharashtra*** [(2009) 9 SCC 551], paragraph 95 thereof, which is reproduced hereunder for easy reference:

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> ***95. <u>The police power of the State in respect of any offence committed in a State comes within the legislative competence of the State.</u>*** *The State may exercise some extraterritorial jurisdiction only if a part of the offence is committed in the State and the other part in another State or some other States. <u>In such an event the State before an investigation to that part of the offence which has been committed in any (sic other) State may have to proceed with the consent of the State concerned or must work with the police of the other State.</u> <u>Its jurisdiction over the investigation into a matter is limited.</u> Keeping in view the various entries contained in List I of the Seventh Schedule to the Constitution, there cannot be any doubt whatsoever that in the matter of investigation of the matter (sic offence) committed in a State, the jurisdiction of the Central Government is excluded.*

13.13. By relying on ***Bhavesh Jayanti Lakhani***, his submission is that the police power of a State, in respect of any offence committed in a State, comes within the legislative competence of the State. The State may exercise extra-territorial jurisdiction only if a part of the offence is committed in the State and the other part in another State or some other States. In such an event, the State, before investigating that part of the offence which has been committed in any other State, may have to proceed with the consent of the State concerned or must work

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with the police of the other State. The police of one State cannot investigate any offence in another State without the consent of that other State, and even in such case, they would have to work with the police of that State and not independently.

13.14. He relies on the decision of the Hon'ble Apex Court in the case of ***State of W.B., vs. Committee for Protection of Democratic Rights*** [(2010) 3 SCC 571], paragraph 30, which is reproduced hereunder for easy reference:

> ***30. From a bare reading of the aforenoted constitutional provisions, it is manifest that by virtue of these entries, the legislative power of the Union to provide for the regular police force of one State to exercise power and jurisdiction in any area outside the State can only be exercised with the consent of the Government of that particular State in which such area is situated, except the police force belonging to any State to exercise power and jurisdiction to railway areas outside that State.***

13.15. By relying on ***Committee for Protection of Democratic Rights***, his submission is that it is only the Union, i.e. the Parliament, that can provide for a regular police force of one State to exercise power and jurisdiction in any area

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outside the State and on that ground, he submits that there is no law enacted by the Parliament under List I that provides for exercise of the powers of the Maharashtra Police or any other State police within the State of Karnataka. He submits that he does not place the bar at such a level that police of one State cannot investigate in another State. But his submission is that police of one State can investigate an offence in another State with such powers being subjected to such guardrails and checks and safeguards as indicated in the applicable law one of them being with intimation, concurrence or consent of the jurisdictional police station.

13.16. He refers to Section 179 of the BNSS, earlier Section 160 of the CrPC Section 179 is reproduced hereunder for easy reference:

179. Police officer's power to require attendance of witnesses.

(1)Any police officer making an investigation under this Chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the facts and circumstances of the case; and such person shall attend as so required:

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Provided that no male person under the age of fifteen years or above the age of sixty years or a woman or a mentally or physically disabled person or a person with acute illness shall be required to attend at any place other than the place in which such person resides:

Provided further that if such person is willing to attend at the police station, such person may be permitted so to do

(2)The State Government may, by rules made in this behalf, provide for the payment by the police officer of the reasonable expenses of every person, attending under sub-section (1) at any place other than his residence.

13.17. Section 160 of CrPC is reproduced hereunder for easy reference:

160. Police officer's power to require attendance of witnesses.
(1)Any police officer making an investigation under this Chapter may, by order in writing require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the facts and circumstances of the case; and such person shall attend as so required :

Provided that no male person [under the age of fifteen years or above the age of sixty-five years or a woman or a mentally or physically disabled person] [Substituted for the words "under the age of fifteen years or woman" by Criminal Law (Amendment) Act, 2013] shall be required to attend at any place other than the place in which such male person or woman resides.

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> *(2)The State Government may, by rules made in this behalf, provide for the payment by the police officer of the reasonable expenses of every person, attending under sub-section (1) at any place other than his residence.*

13.18. By referring to Section 179 of BNSS, he submits that the police officer is empowered to require the attendance of any person who is within the limits of his own or any adjoining police station. The Vadgaon police station being situated in Kolhapur, between Kolhapur to Tumkur there are several districts of the State of Karnataka. The location of the premises of the petitioners is not in an adjoining police station to that of Vadgaon police station. Thus he submits that the Vadgaon police station could not have exercised any jurisdiction over the premises of the petitioner which is based in Tumkur.

13.19. He relies on the judgment of the Hon'ble High Court of Gauhati at Shillong in the case of ***Pusma Investment (P) Ltd. vs. State of Meghalaya*** [(2009) SCC OnLine Gau 107], paragraph 5 , which is reproduced hereunder for easy reference:

> ***5.*** *Section 160, Cr. P.C. authorizes a police officer making an investigation, by order in writing, (i) to require the attendance before himself, (ii) of any person,*

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who, from the information given or otherwise, appears to be acquainted with the facts and circumstances of the case, and (iii) who is residing within the limits of his own police station or any adjoining police station. The expression "who being within the limits of his own" read with the words following it, namely, "or any adjoining station" can only mean the person, who is to be summoned, must reside within the limits of the police station of the police officer making the investigation. ***So read, it becomes clear that such police officer making the investigation can enforce the attendance of a person acquainted with the facts and circumstances only if the latter resides within the limits of his own police station or adjoining station.*** *If the person being summoned does not reside within the limits of the police station of the police officer making the investigation or, at any rate, within the limits of the adjoining police station, it appears that such police officer cannot enforce his attendance even though he may be acquainted with the facts and circumstances of the case being investigated by him. The proviso to sub-section (1) of section 160 says that no male person under the age of fifteen years or woman shall be required to attend at any place other than the place in which such male person or woman resides. Then, sub-section (2) of section 160 further provides that the State Government may, by rules made in this behalf, provide for the payment by the officer of the reasonable expenses of every person, attending under sub-section (1) at any place other than his residence. Conjoint reading of both the sub-sections and the proviso to sub-section (1) of section 160 plainly indicate, firstly, that the person to be summoned by the officer making the investigation must reside within the local limits of his own police station or within the adjoining area, secondly, that in the case of a male person under the age of fifteen years or woman, their attendance cannot be enforced at any place other than their residence even if they reside within the limits of the police station of the police officer making the investigation or within the limits of the adjoining police station and, thirdly, that reasonable expenses of every person other than a male person under the age of fifteen*

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years or woman attending such requisition at any place within the limits of the police station of the officer making the investigation or the adjoining police station shall have to be paid by the concerned police officer as per rules framed by the State Government in this behalf. If the contention of the learned Additional Advocate General that under section 160, the police officer making the investigation is not disabled from requiring the attendance of a witness residing beyond the local limits of his police station or adjoining station, is accepted, that will amount to ignoring the words "being within the limits of his own or any adjoining station". In my opinion, such interpretation is against all canons of interpretation. It is not a sound principle of construction to brush aside words in a statute as being inapposite surplusage, if they can have appropriate application in circumstances conceivably within the contemplation of the statute (see Ashwini Kumar Ghosh v. Aretbinda Bose, (1952) 2 SCC 237 : AIR 1952 SC 369). "In the interpretation of statutes", observed DAS GUPTA, J. in, J.K. Cotton spinning & Weaving Mills Co. Ltd. v. State of U.P., AIR 1961 SC 1170 (at page 1174), "the courts presume that the Legislature inserted every part thereof for a purpose and the legislative intention is that every part of the statute should have effect". ***The Legislature is deemed not to waste its words or to say anything in vain and a construction which attributes redundancy to the Legislature will not be accepted except for compelling reasons.*** ***When the language of section 160 is plain and unambiguous, this court cannot plunge headlong into a discussion of the reason which motivated the Legislature into enacting this provision and took into consideration the hardship and inconvenience being caused to the investigating agency if they are not allowed to enforce the attendance of witnesses residing beyond their police station or adjoining police station.*** *The rule of purposive construction cannot also be invoked in this provision. The correct principle, according to the learned author, G.P. Singh, J., is that after the words have been construed in the context and it is found that the language is capable of bearing only one*

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> *construction, the rule in Heydon's case ceases to be controlling and gives way to the plain meaning rule. But the rule cannot be used to "the length of applying unnatural meanings to familiar words or of so stretching the language that its former shape is transformed into something which is not only significantly different but has a name of its own especially when "the language has no evident ambiguity or uncertainty about it. (see Principles of Statutory Interpretation, 9th edn. pp. 119-120). In the view that I have taken, the impugned notices are ultra vires the provisions of section 160 of the Code of Criminal Procedure, 1973, and cannot be sustained in law. I have carefully gone through the case Antrudha S. Bhagat (supra) cited by the learned Additional Advocate General, but, with respect, I find myself unable to agree with view taken by the Division Bench of the Bombay High Court for the reasons already stated in the foregoing.*

13.20. By relying on ***Pusma Investment***, he submits that the power to require attendance under Section 160 of the CrPC, was confined to persons residing within the limits of the investigating police officer's own police station or an adjoining police station. The Court therein held that the expression "being within the limits of his own or any adjoining station" imposed a territorial limitation on the exercise of such power and that notices issued in contravention thereof were ultra vires the provision. Learned counsel contended that the said interpretation applies equally to Section 179 of the BNSS and,

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SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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accordingly, the notices issued by respondent No. 2 to the petitioners at Tumkur, Karnataka, were beyond its authority and unsustainable in law.

13.21. He relies on the judgment of the Hon'ble Gauhati High Court in the case of ***Dharampal Satyapal Ltd. v. State of Maharashtra,*** [2022 SCC OnLine Gau 943], paragraphs 5, 15 and 18 to 22 , which are reproduced hereunder for easy reference:

> ***5.*** *In course of investigation, the stock of pan-masala, tobacco, recovered from the FIR named accused Md. Imran Mohammed Hanif was seized and he was arrested, subsequent to the FIR.* ***Various notice was served upon the petitioner Company at New Delhi, for production of certain documents under Section 91 of the CrPC and the petitioner immediately responded to the same by detail reply along with the documents.*** *Suddenly on 09.03.2022, respondent No. 2, who is the investigating officer of the said case, visited the factory of the petitioner at Bamunimaidam and entered into the premises along with police officials of Chandmari P.S., without any document/search warrant from the Court of Law and the respondent No. 2 forcibly seized the entire machinery and articles from the factory of the petitioner and prepared the seizure list (panchnama) and also sealed the gate of the petitioner company's factory. The seized/finished pan-masala was worth more than one crore and was lying in the production hall, to be sent for packaging. Such pan-masala contains highly hygroscopic substance like katha, which attract moisture and exposure to such moisture has caused huge loss to the articles.*

Digitally Signed By:
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30/10/2026, 17:10, Bengaluru)
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15. *Due consideration is given to the argument advanced by both the parties. Certain basic features required to be decided in the present petition as to-*

i. Whether petitioner has requisite documents to run the business of manufacturing pan-masala under the authority of law and has right to resist the execution of search and seizure?

ii. Whether respondent no. 2 has power to seize factory, plant and machinery in Guwahati in connection with the FIR that has been registered in Maharashtra, which is not against the present petitioner?

iii. Whether due process of law has been followed by the respondent while conducting search and seizure in the premises of the petitioner?

iv. Whether impugned seizure is arbitrary, illegal and violative of the fundamental right of the petitioner under Article 14 of the Constitution of India?

18. *The Investigating Officer while carrying the investigation came to the premises of the informant which is a manufacturing unit of pan-masala without obtaining any order of the court and no document whatsoever has been produced at the time of such search and seizure to the persons in occupation of the aforesaid manufacturing unit, neither the respondent has been able to produce the same before this Court while filing the affidavit in this case.* ***That being so, it is crystal clear that the respondent no.2 has acted of his own without any authorization.*** ***He has also failed to brought on record as to how he assumed jurisdiction to seize the articles from the premises of the petitioner, there being no any document to show that the FIR named accused has direct dealings with the present petitioner.*** *Also nothing has been brought on record about compliance of Section*

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
Verified

102 that he has duly informed the concerned court about such necessity of seizure.

***19**. On the other hand, dealing of such article like pan-masala etc. is covered under the special law of* FSS Act *and which has an overriding effect on the provision of the* CrPC*. In* Christy Fried Gram Industry v. State of Karnataka, *2016 Crl. LJ 482, it has been held that for initiation of proceedings regarding manufacture and supply of food to general public are regulated under* FSS Act *in complete mechanism is provided under the said Act to deal with the cases concerned with the food related laws.* Section 29 *of the said Act specifies the authorities responsible for enforcement of the Act and* Section 30 *specifies the Commissioner of Food and Safety as a competent authority to implement the provision of the Act effectively.*

***20**. The provision of* Section 41 *and* 42 *of the FSS Act, make special provision as regard how investigation needs to be carried out whenever there is a reasonable doubt about commission of the offence relating to food item by the authority.* Section 41 *prescribes that Food and Safety Officer have the power to search and seizure of food articles and* Section 42 *prescribes that the Food and Safety Officer is responsible for inspection of food business, drawing samples and sending the same to the food analyst for analysis and thereafter can launch the prosecution in appropriate case. The above provision clearly indicates that only the Food Inspector can carry out such investigation, inquiry and can launch prosecution to determine the article whether same is adulterated. Further, in view of the provision of* Section 4(2) *of CrPC, all offences under any other law shall be dealt with in accordance with the enactment regulating the manner of investigation and trial etc. and as such the FSS being a complete statute, has an overriding effect as* Special Act *to deal with such food items.*

***21.** In view of the above legal proposition, it can be held that the investigation so far carried by the I/O particularly, so far as regard the present petitioner is beyond the jurisdiction under law. He was also not*

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SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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> *bothered to apprise the court of the competent jurisdiction in Guwahati seeking permission for such search and seizure nor any intimation was forwarded, which has vitiated entire search and seizure and liable to be interfered into.*
>
> ***22.*** *The petitioner herein without there being any criminal culpability has been thrown to utter hardship and inconvenience by seizure of building as well as the article valued more than crores of rupees thereby the petitioner has been compelled to run a legal battle consuming time, energy and heavy cost while continuing such litigation before the High Court. Although, initially the petitioner was allowed interim relief at the time of filing of this petition, but being not satisfied with the order, the petitioner carried the matter to the appellate court wherein the appellate court allowed the petitioner to take possession of the manufactured goods subject to giving bank guarantee of rupees one crore. The fundamental rights of the petitioner to carry out the lawful business has been hampered for such illegal conduct on the part of the investigating officer.*

13.22. By relying on ***Dharampal Satyapal***, he submits that the exercise of investigative powers must be traceable to a lawful source of authority and conform to the territorial and procedural limitations prescribed by law. He contended that the Gauhati High Court had deprecated the exercise of investigative powers, including search and seizure, in the absence of material establishing the investigating officer's authority to undertake such action and compliance with the applicable statutory procedure.

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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13.23. Learned counsel further submitted that the said decision assumes significance in the present cases, inasmuch as the investigating authorities of the State of Maharashtra had sought to exercise their investigative powers at the petitioners' premises in Tumkur, Karnataka, without establishing the legal basis for such exercise of authority beyond the territorial limits of their State. He contended that the question was not merely whether respondent No. 2 was competent to investigate the offences alleged in the FIR, but whether such competence authorised the investigating officer to compel the attendance of the petitioners and require production of their business records within Karnataka, in the manner adopted. According to learned counsel, the existence of an FIR in Maharashtra could not, by itself, dispense with compliance with the statutory conditions governing the exercise of investigative powers in another State.

13.24. Adverting to the observations in ***Dharampal Satyapal Ltd.,*** concerning the special statutory mechanism under the Food Safety and Standards Act, 2006, learned counsel submitted

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
Verified

that the powers of investigation, inspection and seizure in relation to food articles must be exercised within the framework prescribed by the governing enactment and cannot be assumed independently of the authority conferred by law. He contended that, applying the same principle, respondent No. 2 was required to demonstrate the statutory authority under which it had issued notices and undertaken investigative steps against the petitioners in Karnataka. In the absence of such authority and compliance with the applicable legal requirements, learned counsel submitted that the impugned notices and consequential actions were without jurisdiction and liable to be set aside.

13.25. He relies on the judgment of the Hon'ble High Court of Delhi in the case of ***Kulvinder Singh Kohli vs. State (NCT of Delhi)*** [2022 SCC OnLine Del 1766], paragraphs 21 to 34, which are reproduced hereunder for easy reference:

> ***21.*** *The authority concerned, that is Respondent 3, issued the impugned summons/notices to the petitioner under Section 160CrPC. A perusal of the said provision is deemed necessary at this stage and hence, the same is reproduced hereunder:*

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
Verified

"160. Police officer's power to require attendance of witnesses.—

(1) Any police officer making an investigation under this chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the facts and circumstances of the case and such person shall attend as so required: Provided that no male person [under the age of fifteen years or above the age of sixty-five years or a woman or a mentally or physically disabled person] shall be required to attend at any place other than the place in which such male person or woman resides.

(2) The State Government may, by rules made in this behalf, provide for the payment by the police officer of the reasonable expenses of every person, attending under sub-section (1) at any place other than his residence."

22. *It is evident from a bare reading of the provision that a police officer may require attendance of a person who is apparently acquainted with the facts and circumstances of a case that such police officer is investigating. A summons/notice to such a person is to be issued following the due process and procedure of law.* ***The extent of this power is, however, limited by the bounds of jurisdiction.*** *The police officer concerned may issue notice requiring attendance of any person who is within the limits of his own police station or that of an adjoining station. The language itself defines the extents of the power of requiring attendance and the same is to be abided by while proceeding under the provision.*

23. *The perusal of the provision, poses two questions before this Court that need to be adjudicated for resolving the issue of legality of the summons/notices issued. The first question is whether the authority*

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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concerned/Respondent 3 issued the impugned notices at the right stage. Other issue at hand is whether the authority concerned/Respondent 3 was well within its powers while issuing the summons to a person outside its jurisdiction.

24. *To answer the first question, the consideration before this Court is that at what stage a notice under Section 160CrPC can be issued. The words used under the provision are "police officer making investigation". The CrPC itself defines investigation in the following terms:*

"2(h) 'investigation' includes all the proceedings under this Code for the collection of evidence conducted by a police officer or by any person (other than a Magistrate) who is authorised by a Magistrate in this behalf;"

25. *Section 2(h) CrPC includes all proceedings under the CrPC for collection of evidence under the ambit of investigation. In the present case, the authority concerned received the complaint made by the complainants wherein several allegations were made by them against the petitioner and the other prospective co-accused and upon receiving the complaint, it issued summons under Section 160CrPC giving opportunity to the petitioner to appear personally for further enquiry into the complaint and the allegations levelled in it. Respondent 3 summoned the petitioner at the stage of preliminary inquiry, giving him opportunity to adduce oral as well as documentary evidence in pursuance to the complaint received by it. However, whether the preliminary enquiry amounted to investigation or not, is also a consideration before this Court. The Madras High Court, in this regard has made the following observations in V.N. Pachaimuthu case [V.N. Pachaimuthu v. Supt. of Police, 2012 SCC OnLine Mad 1020] :*

"9. The petitioner has placed on record the notice, issued under Section 160CrPC, calling petitioner for enquiry. This notice on the face of it is without

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
Verified

jurisdiction and unwarranted in law, as notice under Section 160CrPC can be issued to witness in pending FIR, but cannot be issued to a person, who is an accused in a complaint or before registration of the case.

10. This writ petition is, therefore, allowed to a limited extent and the notice issued by second respondent under Section 160CrPC, calling petitioner for enquiry, is ordered to be quashed.

11. As already observed above, respondents can only proceed under the provisions of CrPC, in case complaint discloses any cognizable offences. A citizen cannot be called for enquiry under Section 160CrPC, in absence of any FIR. The power under Section 160CrPC, can be exercised to call a witness, after FIR is registered."

26. *The Supreme Court in Samaj Parivartan Samudaya v. State of Karnataka [Samaj Parivartan Samudaya v. State of Karnataka, (2012) 7 SCC 407 : (2012) 3 SCC (Cri) 365] , expressed its view on the issue and observed as under:*

"25. The machinery of criminal investigation is set into motion by the registration of a first information report (FIR) by the specified police officer of a jurisdictional police station or otherwise. CBI, in terms of its manual has adopted a procedure of conducting limited pre-investigation inquiry as well. In both the cases, the registration of FIR is essential. A police investigation may start with the registration of FIR while in other cases (CBI, etc.), an inquiry may lead to the registration of an FIR and thereafter regular investigation may begin in accordance with the provisions of CrPC.

26. Section 154CrPC places an obligation upon the authorities to register the FIR of the information received, relating to commission of a cognizable offence, whether such information is received orally or in writing by the officer in charge of a police

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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station. A police officer is authorised to investigate such cases without the order of a Magistrate, though, in terms of Section 156(3)CrPC the Magistrate empowered under Section 190 may direct the registration of a case and order the police authorities to conduct investigation, in accordance with the provisions of CrPC. Such an order of the Magistrate under Section 156(3)CrPC is in the nature of a preemptory reminder or intimation to the police, to exercise their plenary power of investigation under that section. This would result in a police report under Section 173, whereafter the Magistrate may or may not take cognizance of the offence and proceed under Chapter XVI CrPC. The Magistrate has judicial discretion, upon receipt of a complaint to take cognizance directly under Section 200CrPC, or to adopt the above procedure. (Ref. Gopal Das Sindhi v. State of Assam [Gopal Das Sindhi v. State of Assam, AIR 1961 SC 986 : (1961) 2 Cri LJ 39] ; Mohd. Yousuf v. Afaq Jahan [Mohd. Yousuf v. Afaq Jahan, (2006) 1 SCC 627 : (2006) 1 SCC (Cri) 460 : AIR 2006 SC 705] and Mona Panwar v. High Court of Judicature of Allahabad [Mona Panwar v. High Court of Judicature of Allahabad, (2011) 3 SCC 496 : (2011) 1 SCC (Cri) 1181] .)

27. Once the investigation is conducted in accordance with the provisions of CrPC, a police officer is bound to file a report before the court of competent jurisdiction, as contemplated under Section 173CrPC, upon which the Magistrate can proceed to try the offence, if the same were triable by such court or commit the case to the Court of Session. It is significant to note that the provisions of Section 173(8)CrPC open with non obstante language that nothing in the provisions of Sections 173(1) to 173(7) shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (2) has been forwarded to the Magistrate. Thus, under Section 173(8), where charge-sheet has been filed, that court also enjoys the jurisdiction to direct further investigation into the offence. (Ref. Hemant Dhasmana v. CBI

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
Verified

[Hemant Dhasmana v. CBI, (2001) 7 SCC 536 : 2001 SCC (Cri) 1280] .) This power cannot have any inhibition including such requirement as being obliged to hear the accused before any such direction is made.

*****

50. There is no provision in CrPC where an investigating agency must provide a hearing to the affected party before registering an FIR or even before carrying on investigation prior to registration of case against the suspect. CBI, as already noticed, may even conduct pre-registration inquiry for which notice is not contemplated under the provisions of the Code, the police manual or even as per the precedents laid down by this Court. It is only in those cases where the court directs initiation of investigation by a specialised agency or transfer investigation to such agency from another agency that the court may, in its discretion, grant hearing to the suspect or affected parties. However, that also is not an absolute rule of law and is primarily a matter in the judicial discretion of the court. This question is of no relevance to the present case as we have already heard the interveners."

27. *The Supreme Court in Lalita Kumari v. Govt. of U.P. [Lalita Kumari v. Govt. of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] , made the following observations holding that the registration of FIR is a starting point for investigation:*

"37.6. A perusal of the abovesaid provisions manifests the legislative intent in both old Codes and the new Code for compulsory registration of FIR in a case of cognizable offence without conducting any preliminary inquiry.

38. The precursor to the present Code of 1973 is the Code of 1898 wherein substantial changes were made in the powers and procedure of the police to investigate. The starting point of the powers of police was changed from the power of the officer in charge of a police station to investigate into a

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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cognizable offence without the order of a Magistrate, to the reduction of the first information regarding commission of a cognizable offence, whether received orally or in writing, into writing and into the book separately prescribed by the Provincial Government for recording such first information. As such, a significant change that took place by way of the 1898 Code was with respect to the placement of Section 154 i.e. the provision imposing requirement of recording the first information regarding commission of a cognizable offence in the special book prior to Section 156 i.e. the provision empowering the police officer to investigate a cognizable offence. As such, the objective of such placement of provisions was clear which was to ensure that the recording of the first information should be the starting point of any investigation by the police. In the interest of expediency of investigation since there was no safeguard of obtaining permission from the Magistrate to commence an investigation, the said procedure of recording first information in their books along with the signature/seal of the informant, would act as an 'extremely valuable safeguard' against the excessive, mala fide and illegal exercise of the investigative powers by the police.

39. The provisions contained in Chapter XII of the Code deal with information to the police and their powers to investigate. The said chapter sets out the procedure to be followed during investigation. The objective to be achieved by the procedure prescribed in the said chapter is to set the criminal law in motion and to provide for all procedural safeguards so as to ensure that the investigation is fair and is not mala fide and there is no scope of tampering with the evidence collected during the investigation."

28. *The Supreme Court further noted that a preliminary inquiry into an offence may not be carried out by the police prior to registration of FIR, without the interference of the Magistrate*

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
Verified

concerned as provided for under Section 157CrPC. The observations on this legal point are reproduced as under:

"86. Therefore, conducting an investigation into an offence after registration of FIR under Section 154 of the Code is the 'procedure established by law' and, thus, is in conformity with Article 21 of the Constitution. Accordingly, the right of the accused under Article 21 of the Constitution is protected if the FIR is registered first and then the investigation is conducted in accordance with the provisions of law.

87. The term 'inquiry' as per Section 2(g) of the Code reads as under:

'2. (g) "inquiry" means every inquiry, other than a trial, conducted under this Code by a Magistrate or Court.'

Hence, it is clear that inquiry under the Code is relatable to a judicial act and not to the steps taken by the police which are either investigation after the stage of Section 154 of the Code or termed as 'preliminary inquiry' and which are prior to the registration of FIR, even though, no entry in the general diary/station diary/daily diary has been made.

88. Though there is reference to the terms 'preliminary inquiry' and 'inquiry' under Section 159 and Sections 202 and 340 of the Code, that is a judicial exercise undertaken by the court and not by the police and is not relevant for the purpose of the present reference."

29. *From the discussion above, it can be deduced that summons/notices under Section 160CrPC can be issued by a police officer who is making investigation under and in accordance with the provisions of the CrPC and to set into motion such an investigation there is a pre-requisite of*

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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registration of FIR. ***Without registration of FIR, an investigation cannot be said to have been initiated.*** *Further, even for an enquiry to be held legal and valid, the police officer has to act in accordance with provisions of the CrPC and he may not act beyond his powers by conducting a preliminary enquiry without making a report to a Magistrate. Therefore, in the instant case, it cannot be said that either an investigation or an enquiry was validly or legally being carried out by the authority concerned/Respondent 3 even for the limited purposes of issuing a notice under Section 160CrPC.*

30. *The learned counsel for the respondents relied upon the judgment of the Supreme Court in Charansingh v. State of Maharashtra [Charansingh v. State of Maharashtra, (2021) 5 SCC 469 : (2021) 2 SCC (Cri) 617 : (2021) 2 SCC (L&S) 52] , wherein it was observed that a preliminary inquiry before the registration of FIR is permissible, however, the background of the case is entirely different from the instant matter. In the case before the Supreme Court such observations were made with reference to a public servant for contravention of provisions of the Prevention of Corruption Act, 1988, which poses a graver threat to the society and the general public. The PC Act is a specific legislation which varies from the provisions laid down under general Acts like the IPC and the CrPC. Therefore, an observation in this regard may not be applicable in the peculiar facts and circumstances of the instant case.*

31. *The second consideration which is before this Court is whether the authority concerned/Respondent 3 acted within his powers in terms of territorial limitations while issuing the notices under Section 160CrPC.*

32. ***The provision says that a police officer making investigation may require attendance of "any person being within the limits of his***

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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<u>own or any adjoining station", thereby, clearly and unequivocally setting limits to the jurisdiction within which the police officer is permitted to act.</u> *For this point reference is also made to Directorate of Enforcement v. State of W.B. [Directorate of Enforcement v. State of W.B., 2021 SCC OnLine Del 5603] , wherein while referring to Section 160CrPC, a Coordinate Bench of this Court noted as under:*

"27. By a mere reading of the said provisions, it becomes apparent that power of the police officer to require attendance of a witness is circumscribed by the words 'within the limits of his own or any adjoining station'. It is to be noted that if the said power was in the nature of PAN-India power, as has been sought to be argued by the respondents, there was no reason for the legislature to use the terminology quoted above. To the contrary, if the same was the intention of the legislature, the legislature would have clearly stated so and bestowed unlimited jurisdiction on the police officer by using terminology in the nature of 'anywhere in the country' or even 'anywhere within the State'. The clear departure of the legislature and the use of the terms 'within the limits of his own or any adjoining station' points towards a legislative intention to limit the jurisdiction in this regard. The reliance placed by the respondents in this regard on the judgment in Anant Brahmachari v. Union of India [Anant Brahmachari v. Union of India, 2012 SCC OnLine Del 1680] , may not further the case of the respondents as clearly the said judgment was dealing with a separate statutory set-up in the nature of the National Investigation Agency Act, 2008 which would have a strong bearing on the issue as the said agency has jurisdiction across the country. Further, this Court in Ravinder Singh v. State [Ravinder Singh v. State, 2010 SCC OnLine Del 4783] vide order dated 27-7-2010, has held as under:

<u>'The section does not need help of dictionaries or other judgments for understanding its</u>

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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meaning when there is no ambiguity and it is so clearly written either within his own police station or in the adjoining police station. *I, therefore, consider that summons issued to the petitioner under Section 160CrPC in Delhi, which is not adjoining police station of Rewari is without jurisdiction and the notice is, therefore, quashed.'*

28. I am, therefore, prima facie inclined to agree with the dictum in Ravinder Singh case [Ravinder Singh v. State, 2010 SCC OnLine Del 4783] . Therefore, on the issue of the competence of the respondents to issue the impugned notices, a serious challenge has been presented by the petitioners, which prima facie, seems to have considerable merit. ***It may also be noted that the said issue goes to the root of the matter and if the respondents lacks jurisdiction itself to issue the impugned notices, the entire case of the respondents falls."***

33. *In the instant matter between the parties before this Court, the impugned summons/notices were issued by the authority concerned/Respondent 3 from District SAS Nagar, Mohali, Punjab, whereas, the petitioner alleges that he is a resident of J 1/162 E, 2nd Floor, Rajouri Garden, New Delhi — 110 027. Even a perusal of the impugned summons/notice reveals that the notice under Section 160CrPC was issued to the petitioner at his correspondence address at House No. 651, Sector 15, Gurugram, Haryana. Both these addresses are evidently outside and beyond the territorial limits of the police station concerned SAS Nagar.* ***The bar of jurisdiction under Section 160CrPC is indisputably applicable to the instant matter and in such a case, the notice issued can rightly be said to be issued without jurisdiction.***

34. *Keeping in view the above discussion, the provisions under the CrPC as well as the observations made by courts of the Country, it is found that firstly, the notice under Section 160CrPC*

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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> *was not issued at the right stage by Respondent 3, since, he could not have been said to be conducting investigation under the CrPC without the registration of FIR for the purpose of issuance of the notice under Section 160 and secondly, the summons/notices were issued without jurisdiction from the concerned authority in SAS Nagar, Mohali, Punjab to the petitioner residing beyond its own station as well as any adjoining station.*

13.26. By referring to ***Kulvinder Singh Kohli,*** he submits that the power of a police officer to issue a notice requiring attendance under Section 160 of the CrPC, is circumscribed by the territorial limits expressly stipulated in the provision and cannot be exercised beyond such limits. The Delhi High Court, while emphasising that the exercise of investigative powers must conform to the procedure established by law, held that a notice under Section 160 could be issued only by a police officer conducting a lawful investigation and within the territorial limits prescribed by the provision.

13.27. Applying the said principle to the present cases, learned counsel contended that respondent No. 2, being an investigating authority of the State of Maharashtra, could not invoke Section 179 of the BNSS to compel the attendance of the

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
Verified

petitioners, who carry on business at Tumkur, Karnataka, unless the territorial requirements of the provision were satisfied. He submitted that the registration of an FIR in Maharashtra could not, by itself, enlarge the territorial limits within which the power to require attendance could be exercised. Accordingly, it was contended that the notices issued to the petitioners and the consequential investigative steps undertaken at Tumkur were beyond the authority conferred by law and liable to be set aside.

13.28. He relies on the judgment of the Hon'ble High Court of Delhi in the case of ***Directorate of Enforcement and others vs. State of West Bengal and others,*** [2021 SCC OnLine Del 5603]**,** paragraphs 18, 22, 25, 26, 27, 28 and 30, which are reproduced hereunder for easy reference:

> ***18.*** *Ld. counsel for the petitioners further submitted that the notices issued under Section 160 (1) of Cr.P.C. can only be issued to a person who is within the local jurisdiction of that police station or is within the jurisdiction or any "adjoining" police station. He further submitted that in the present case, the petitioners are posted in Delhi which is clearly outside the jurisdiction of respondent police officers and police station. Specific*

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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reliance in this regard was placed on the judgment in Ravinder Singh v. State, W.P. (Crl.) No. 971/2010 And Crl. M.A. Nos. 8234-8235/2010, order dated 27.07.2010; T Purshotam v. Circel Inspector of Police, 1997 Cri LJ 4011 (Andhra Pradesh); Krishan Bans Bhadur v. The State of H.P., 1975 Cri LJ 620 (Himachal Pradesh); Mathews Peter v. Asst. Police Inspector, 2002 Cri LJ 1585 (Andhra Pradesh) and Pusma Investment Pvt. Ltd. v. State of Meghalaya, 2010 Cri LJ 56 (Gauhati).

22. *He further submitted that the word "adjoining" occurring in Section 160 Cr.PC implies vesting of jurisdiction outside the State as well. In this regard he relied on the judgment in Anant Brahmachari v. Union of India, ILR (2012) 3 Del 682.*

25. *At this stage, it is clarified that only a prima facie opinion is required to be formed. While the petitioners have raised various wide ranging issues concerning the manner of registration of FIR and malafides, at present, the issues that arise for consideration, can be mentioned as under:*

a. Whether the Respondents have the power under Section 160 Cr.P.C. to issue the impugned notices?

b. Whether the present petition is maintainable in view of the Directorate of Enforcement being Petitioner No. 1?

c. Whether this Court has the jurisdiction to quash the impugned notices in view of objection raised as to the territorial jurisdiction?

d. Whether the Petitioners have made out a case for any interim relief?

26. *In order to appreciate the first issue, it is necessary to take note of the text of Section 160 Cr.P.C. Section 160 of Cr.P.C. reads as follows:*

"160. Police officer's power to require attendance of witnesses.

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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(1) Any police officer, making an investigation under this Chapter may, by order in writing, require the attendance before himself of any person being ***within the limits of his own*** *or* ***any adjoining station*** *who, from the information given or otherwise, appears to be acquainted with the facts and circumstances of the case; and such person shall attend as so required:*

Provided that no male person under the age of fifteen years or woman shall be required to attend at anyplace other than the place in which such male person or woman resides.

(2) The State Government may, by rules made in this behalf provide for the payment by the police officer of the reasonable expenses of every person, attending under sub-section (1) at any place other than his residence."

27. *By a mere reading of the said provisions, it becomes apparent that power of the Police Officer to require attendance of a witness is circumscribed by the words "****within the limits of his own*** *or* ***any adjoining station****". It is to be noted that if the said power was in the nature of pan-India power, as has been sought to be argued by the respondents, there was no reason for the Legislature to use the terminology quoted above.* ***To the contrary, if the same was the intention of the Legislature, the Legislature would have clearly stated so and bestowed unlimited jurisdiction on the Police Officer by using terminology in the nature of "anywhere in the country" or even "anywhere within the State" The clear departure of the Legislature and the use of the terms "within the limits of his own or any adjoining station" points towards a legislative intention to limit the jurisdiction in this regard.*** ***The reliance placed by the respondents in this regard on the judgment in Anant Brahmachari v. Union of India (supra), may not further the case of the respondents as clearly the said judgment was dealing with a separate statutory setup in the nature of the National Investigation Agency Act, 2008 which would have a***

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SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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strong bearing on the issue as the said agency has jurisdiction across the country. *Further, this Court in Ravinder Singh v. State W.P. (Crl.) No. 971/2010 vide order dated 27.07.2010, has held as under:*

"The Section does not need help of dictionaries or other judgments for understanding its meaning when there is no ambiguity and it is so clearly written either within his own police station or in the adjoining police station. *I, therefore, consider* ***that summons issued to the petitioner under Section 160 Cr.P.C. in Delhi, which is not adjoining police station of Rewari is without jurisdiction and the notice is, therefore, quashed.****"*

28. *I am, therefore, prima facie inclined to agree with the dictum in Ravinder Singh (supra). Therefore, on the issue of the competence of the Respondents to issue the impugned notices, a serious challenge has been presented by the petitioners, which prima facie, seems to have considerable merit. It may also be noted that the said issue goes to the root of the matter and if the respondents lacks jurisdiction itself to issue the impugned notices, the entire case of the respondents falls.*

30. *With regard to the preliminary objection of territorial jurisdiction to quash the impugned notices, it may be noted that the theory of "part of cause of action" has been far too well settled by this Court and the Hon'ble Apex Court [Kusum Ingots and Alloys Limited v. Union of India, (2004) 6 SCC 254; Nawal Kishore Sharma v. Union of India, (2014) 9 SCC 329; Navin Chandra N. Majithia v. State of Maharashtra, (2000) 7 SCC 640]. Prima facie, it is clear from the factual conspectus that the impugned notices were served to persons in Delhi, who are residing in Delhi. Further, the petitioners have raised a considerable case of malafides on the basis of facts emanating from Delhi. Specifically in this regard the Ld. counsel for the petitioners has pointed out that as soon as the complainant in the FIR was summoned on 22.07.2021 in connection to the ECL illegal Coal mining case, on the very same day, the first impugned notice*

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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> *was issued by the respondents. It may be noted that the said ECL Coal Mining case of the petitioner No. 1 is being investigated from Delhi and the complaint in the said case has been filed in the jurisdictional Court in Delhi. In this regard, further the judgment of Ravinder Singh (supra) may be noted wherein summons issued by Rewari Police [State of Haryana] were quashed by this Court. On a perusal of the entire facts and circumstances pleaded in the petition, and further, specifically the claim of the petitioners that the legal right claimed by them has been infringed by the respondents within the territorial jurisdiction of this Court, I am prima facie of the opinion that the petitioners have made out a prima facie case as to the maintainability of the present petition.*

13.29. By referring to ***Directorate of Enforcement vs. the State of West Bengal***, he submits that the power of a police officer to require the attendance of a person under Section 160 of the CrPC, is expressly circumscribed by the territorial limits of the officer's own police station or an adjoining police station. The Hon'ble Delhi High Court held that the language of the provision manifests a legislative intent to restrict the exercise of such power territorially and does not confer an unrestricted, pan-India authority to summon persons irrespective of their place of residence.

13.30. Applying the aforesaid principle to the present cases, learned counsel contended that

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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respondent No. 2, being an officer of Vadgaon Police Station in Maharashtra, could not invoke Section 179 of the BNSS to compel the attendance of the petitioners at Tumkur, Karnataka, when their place of business falls outside the territorial limits contemplated by the provision. He submitted that the registration of an FIR in Maharashtra does not, by itself, confer authority to exercise every investigative power throughout the country, irrespective of the express statutory limitations governing its exercise. Accordingly, it was contended that the notices issued to the petitioners and the consequential steps taken by respondent No. 2 at Tumkur were without jurisdiction and liable to be quashed.

13.31. He relies on the judgment of the Hon'ble High Court of Delhi in the case of ***Jamshed Adil Khan & Anr., vs. Union Territory of Jammu and Kashmir and Anr.,*** [2022 SCC OnLine Del 4870], paragraphs 8, 9 and 10, which are reproduced hereunder for easy reference:-

> ***8.*** *The petitioners no. 1 and 2 have pleaded that they are residents of Delhi and have filed in sealed cover, their*

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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affidavits disclosing their addresses along with copy of their respective aadhar cards. Ld. counsel for the petitioners submitted that petitioners' addresses be not revealed on record, as the petitioners apprehend threat to their life on account of having carried out journalistic investigation in other sensitive matters in Jammu and Kashmir. The petitioners have also submitted that even the aforesaid summons were addressed to them at the office of TV Today Network, Noida, Uttar Pradesh.

9. *Aforesaid sealed envelopes were opened and the affidavits and copies of Aadhar Cards of the petitioners were perused. From the same, I am satisfied that the petitioners no. 1 and 2 are residents of Delhi. Summons u/s 160 Cr. P.C. were also addressed to the petitioners at Film City, Sector-16 A, Noida.*

10. In view of the above facts and circumstances, the petitioners being residents of Delhi and having their office addresses of Noida, U.P, could not have been summoned under Section 160 Cr. P.C. by Sub Divisional Police Officer, Pampore, Union Territory of Jammu and Kashmir. *The summons issued to them were without jurisdiction and are therefore, quashed.* ***However, this shall not come in the way of the investigating agency to examine the petitioners as per law at Delhi, if so required. Nor shall quashing of the impugned summon would have any reflection on merits of the case.***

13.32. By referring to ***Jamshed Adil Khan,*** he submits that Section 160 of the CrPC expressly confines the power of a police officer to require attendance to persons falling within the limits of the officer's own or an adjoining police station. He contended that the said territorial restriction continues under the corresponding provision,

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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Section 179 of the BNSS, which governs the notices issued in the present cases.

13.33. Applying the said principle to the facts on hand, learned counsel pointed out that respondent No. 2 is the investigating police authority of Vadgaon Police Station, Maharashtra, whereas the petitioners carry on their business at Tumkur, Karnataka. Neither the petitioners nor their place of business falls within the territorial limits of Vadgaon Police Station or an adjoining police station. Nevertheless, respondent No. 2 issued notices to the petitioners under Section 179 of the BNSS and caused their statements to be recorded at Tumkur. Learned counsel therefore contended that the impugned notices and the consequential acts of respondent No. 2 contravened the express territorial limitation under Section 179 of the BNSS and were, consequently, without jurisdiction and liable to be set aside.

13.34. He relies on the judgment of the Hon'ble High Court of Delhi in the case of ***Ravinder Singh vs. State and another*** [2010 SCC OnLine Del

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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4783], paragraphs 1, 2 and 3, which are reproduced hereunder for easy reference:-

> ***1**. A limit on issue was issue in this petition to the respondent/State of Haryana whether under Section 160 Cr.P.C. notice of appearance could be issued to a person who is outside the State of Haryana since in this case, notice was issued to the petitioner who was living in Delhi. Section 160 Cr.P.C. reads as under:—*
> *"Police officer's power to require attendance of witnesses?*
>
> *(1) Any police officer making an investigation under this Chapter may, by order in writing, require the attendance before himself or any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the facts and circumstances of the case; and such person shall attend as so required:*
>
> *Provided that no male person under the age of fifteen years or woman shall be required to attend at any place other than the place in which such male person or woman resides.*
>
> *(2) The State Government may, by rules made in this behalf, provide for the payment by the police officer of the reasonable expenses of every person, attending under sub-section (1) at any place other than his residence.*
>
> ***2.** Reading of this Section makes it abundantly clear that notice under Section 160 Cr.P.C. can be issued by an Investigating Officer or the police person concerned to a person residing within his own jurisdiction and at the most in the adjoining police station surrounding that police station. There may be 10 police stations adjoining that police station.*

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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> *He can issue summons to person residing within the jurisdiction of all those 10 police stations but beyond adjoining police stations, his jurisdiction is not there to issue summons.* ***The Section does not need help of dictionaries or other judgments for understanding its meaning when there is no ambiguity and it is so clearly written either within his own police station or in the adjoining police station.*** *I, therefore, consider that summons issued to the petitioner under Section 160 Cr.P.C. in Delhi, which is not adjoining police station of Rewari, is without jurisdiction and the notice is, therefore, quashed.* ***However, quashing of this notice under Section 160 Cr.P.C. shall not prevent the concerned Investigating Officer from investigating the case himself, coming to Delhi and contacting the witnesses or the persons having information about the case nor shall quashing of this notice have any other impact on the merits of the case.***
>
> ***3.*** *The petition stands disposed of.*

13.35. By referring to ***Ravinder Singh,*** he submits that the power of a police officer under Section 160 of the CrPC, to require the attendance of a person acquainted with the facts and circumstances of a case is territorially restricted to persons residing within the limits of the officer's own police station or an adjoining police station. He contends that a notice issued to a person residing beyond those territorial limits is without jurisdiction. Learned counsel

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
Verified

further submits that, while such territorial restriction does not prevent the investigating officer from travelling outside the relevant jurisdiction to contact witnesses or persons acquainted with the facts of the case, it does preclude the officer from compelling their attendance by issuing a notice beyond the limits prescribed by the provision. Applying the same principle to Section 179 of the BNSS, learned counsel contends that the impugned notices issued by the Maharashtra police to the petitioners in Karnataka are without jurisdiction, insofar as the petitioners do not reside within the limits of the issuing police station or an adjoining police station.

13.36. He relies on the judgment of the Hon'ble High Court of Andhra Pradesh at Amaravati in the case of ***V.D.Moorthy vs. State of A.P.***, [2025 SCC Online AP 3099], paragraphs 11 and 15 to 21, which are reproduced hereunder for easy reference:-

> ***11.*** *Section 179 (1) of BNSS would authorize the Police Officer to secure the presence of any person subject to two conditions i.e.,*

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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(1) if such person appears to be acquainted with the facts and circumstances of the case, and

(2) such person should reside within the limits of his own Police Station or any adjoining station.

15. *The first qualifying proviso though is giving exception to some individuals, it does not take away the power of the Police Officer for issuing the notice under Section 179(1) of BNSS. The said persons are at liberty to express their view either to attend the Police Station or giving their statement at their residence. Doubtless to say that, the language employed under Section 179(1) of BNSS regarding "**within the limit of his own Police Station or any adjoining station**" restricts the power of the Police Officer to issue such notice under Section 179(1) of BNSS to the person who is not residing within the limits of his own Police Station or any adjoining station.* ***Section 179(1) of BNSS is not empowering the Police Officer with unlimited jurisdiction to issue such notice to any person, who is residing far away.***

16. *The argument that the age of the Petitioner is 64 years as per the medical record, has no merit in the light of the copy of the Aadhar card of the Petitioner, which shows the date of birth of the individual as 09.05.1960, and hence, he is aged above 65 years.*

17. *In the present set of facts, irrespective of the age, gender, acute ill-health of the Petitioner, the fact remains that, the Police Officer making an investigation cannot issue such notice under Section 179(1) of BNSS to the Petitioner, who is residing at Noida in the State of Uttar Pradesh. However, it does not preclude the Police Officer making an investigation to examine such person by approaching him.* ***In that view, the argument of the***

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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learned Senior Counsel that issuance of notice under Section 179(1) of BNSS to the Petitioner, is subject to the willingness of the Petitioner by the aid of second proviso, holds no water, as the question of willingness does not arise due to lack of power on the Police Officer making investigation to issue notice to such person, who is not residing within the limits of his Police Station or adjoining station.

18. In the present case, the notice issued under Section 179 of BNSS is without jurisdiction. *The reason being, the governing provision i.e., Section 179(1) of BNSS itself in categorical terms excludes the jurisdiction of the Police Officer to issue such an order in writing. Then, the application of qualifying provisos to the circumstances which are specifically excluded in the governing clause, does not arise. The qualifying provisos emphasize the procedure need to be followed for the persons falling under the scope of Section 179(1) of BNSS. That being the case, the qualifying proviso Nos. 1 and 2 do not come to the rescue of the Police Officer to sustain such notice.*

19. *The proviso to Section 180(3) of BNSS would speak about the recording of such statement may also be done by audio-video electronic means. This Court is of the considered view that, the Police Officer, on his own or on the request of such person, whose statement he intends to record, may also record such statement in electronic means.*

20. *To sum up:*

(1) Power of the Police Officer making an investigation to have the presence of "any person" before him by issuing a notice under Section 179 of BNSS is not untrammelled.

(2) The said power is restricted to "any person" residing in the limits of his own Police Station or adjoining station.

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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(3) Despite the said person residing in the limits of his Police Station or any other adjoining station, in case of male below 15 and above 60 years, or woman, mentally or physically disabled or a person with acute illness irrespective of their age, shall be examined at the place of their residence under the first proviso to Section 179(1) of BNSS. But the Police Officer can issue notice to such person under Section 179(1) of BNSS.

(4) The above persons may be permitted to be examined at the Police Station subject to their willingness, by the aid of second proviso to Section 179(1) of BNSS.

(5) Police Officer making an investigation has no power to issue notice under Section 179(1) of BNSS to any person who is not residing within the limits of his own station or any adjoining station.

(6) It does not preclude the Police Officer making an investigation to examine such person by approaching him at his place.

21. *In the result, the Writ Petition is disposed of.* ***However, the Police Officer making investigation relating to Crime No. 21 of 2024 on the file of CID Police Station, Mangalagiri, Guntur District, is at liberty to take necessary steps to examine the Petitioner at his place and collect relevant documents, in the presence of his Advocate, who can sit 10 to 15 feet away from the Petitioner and to record such statement also by electronic means by giving prior information to the Petitioner according to governing rules and law.*** *There shall be no order as to costs.*

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

13.37. By referring to ***V.D.Moorthy***, he submits that the power conferred upon a police officer under

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SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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Section 179(1) of the BNSS to require the attendance of a person acquainted with the facts and circumstances of a case is subject to the express territorial limitation stipulated therein, namely, that such person must reside within the limits of the officer's own police station or an adjoining police station. He places particular reliance on paragraphs 15, 18 and 20 of the said judgment to contend that Section 179(1) of the BNSS does not confer an unrestricted or pan-India power to issue notices requiring attendance.

13.38. Applying the said principle to the facts of the present cases, learned counsel submits that respondent No. 2, being the police authority of Vadgaon Police Station, Kolhapur, Maharashtra, could not invoke Section 179(1) of the BNSS to require the petitioners, who carry on their business at Tumkur, Karnataka, to attend or participate in the investigation in the manner complained of, when they do not reside within the limits of Vadgaon Police Station or an adjoining police station. He further submits that the recording of the petitioners' statements at Tumkur does not, by itself, cure the alleged lack

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
Verified

of territorial jurisdiction to issue the impugned notices. Accordingly, placing reliance on the aforesaid judgment, learned counsel contends that the notices issued to the petitioners under Section 179 of the BNSS are without jurisdiction and liable to be set aside.

13.39. He relies upon the judgment of the Hon'ble Himachal Pradesh High Court in the case of ***Krishan Bans Bhadur and anr., vs. The State of Himachal Pradesh***, [1974 SCC OnLine HP 39], paragraph 4, which is reproduced hereunder for easy reference:-

> ***4.*** *It is evident that the petition must succeed. Clearly the petitioners are not guilty of any non-compliance with the orders issued under Section 160 of the Code of Criminal Procedure.* ***Section 160 empowers a police officer making an investigation to reauire the attendance before himself of any person "being within the limits of his own or any adjoining station" who from the information given or otherwise appears to be acquainted with the circumstances of the case and Section 160 adds, such person must attend as so required From the record of the present case it is apparent that when the orders under S. 160 of the Code of Criminal Procedure were issued the petitioners were not within the limits of the police Station of the police officer issuing the order, nor of any adjoining station.*** *The address of the petitioners mentioned In the order indicates that they were present at New Delhi. There is no evidence*

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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> *whatever to show that they were in Simla at all.* ***Exfacie, the order under Section 160 of the Code of Criminal Procedure is without jurisdiction.*** *The order did not proceed from a public servant legally competent as such public servant to issue it. Accordingly no offence can be said to have been committed within the purview of Section 174 of the Penal Code, 1860.*

13.40. By relying on ***Krishan Bans Bhadur,*** he submits that the territorial restriction under Section 160 of the CrPC, corresponding to Section 179(1) of the BNSS, limits the authority of a police officer to require the attendance of a person who resides within the limits of the officer's own or an adjoining police station. He contends that a notice issued in disregard of this territorial restriction is without jurisdiction.

13.41. Applying the said principle to the present cases, learned counsel points out that the petitioners' business premises are situated at Tumkur, Karnataka, whereas respondent No. 2 is attached to Vadgaon Police Station, Kolhapur, Maharashtra. He submits that the petitioners reside outside the territorial limits of Vadgaon Police Station and its adjoining police stations and, therefore, the notices issued to them under Section 179(1) of the BNSS fall beyond

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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the territorial authority conferred by the said provision. He further contends that the fact that the petitioners' business premises are situated at Tumkur, where their statements were recorded, is distinct from the question of their residence, which is the relevant consideration under Section 179(1) of the BNSS. On this basis, learned counsel contends that the impugned notices are without jurisdiction and liable to be set aside.

13.42. He relies upon the Judgment of the Hon'ble Andhra Pradesh High Court in the case of ***Devagupthapu Hara Venkata Surya Satynarayana Murthy vs. The State of Andhra Pradesh*** [2022 SCC OnLine AP 2402], paragraphs 11, 14, 15 and 27**,** which are reproduced hereunder for easy reference:-

> ***11.*** *Now the crucial question for determination is, whether the petitioners, who are residing in Hyderabad in the State of Telangana would come within the ambit of the phrase "being within the limits of adjoining station" or not?*
>
> ***14.*** *Before embarking upon an enquiry on the said issue, at the outset, it is relevant to note that the crime was not registered by any regular law and order police station in the State of Andhra Pradesh, which would have its own delimitations within the State relating to the territorial limits of the said law and order police station functioning*

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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in the State of Andhra Pradesh. Separate notifications would be given to each and every law and order police station functioning within the State of Andhra Pradesh fixing the territorial limits of the said police stations within which they have to function. So, when any crime is registered in the said local police stations, the Investigating Officer concerned is only empowered to issue notice to any person under Section 160(1) Cr.P.C. summoning him for examination as a witness only when he is residing within the territorial limits of his police station or within the limits of his adjoining station. All police stations surrounding the said police station, which are adjacent to it and abutting it with common boundary would be adjoining police stations to that police station. To that extent, law is fairly well-settled and there is no dispute relating to the legal position in this regard.

15. *However, when a crime was registered by CID Police Station, of a State and when the office of the Crime Investigation Department which exercises jurisdiction over the entire State is itself declared as a police station for the entire State, under Section 2(s) of Cr.P.C., and when a similar notification under Section 2(s) of Cr.P.C. was also issued by the Government of the neighbouring State, which is adjoining to the said State, declaring the office of the Crime Investigation Department as a police station for that entire State, whether the CID Police Station of the neighbouring State can be construed as an adjoining station for the purpose of exercising the power by the Investigating Officer under Section 160 Cr.P.C. is the main controversy involved in these two Writ Petitions.*

27. *The other judgments viz., Pusma Investment (P) Ltd. v. State of Meghalaya; Sri. Anubrata Mondal v. Union of India; Kulvinder Singh Kohli v. State of NCT of Delhi; Jamshed Adil Khan v. Union Territory of Jammu and Kashmir; Abhishek Banerjee v. Directorate of Enforcement; Abhishek Banerjee v. Directorate of Enforcement; Krishan Bans BNhadur v. The State of Himachal Pradesh; Mathews Peter v. Asst. Police Inspector, Crime Branch-II, Pune; and Directorate of Enforcement v. State of West Bengal relied on by the*

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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learned counsel for the petitioners are all of no avail to the case of the petitioners. In all the above referred judgments, the Courts found that the persons, to whom notice under Section 160 Cr.P.C. was issued by the police officer, are not residing within the limits of the police station of the said officer or within the limits of the adjoining police station. In the present case, the petitioners are found to be residing within the limits of the adjoining station.

13.43. By referring to ***Devagupthapu Hara Venkata Surya Satynarayana Murthy,*** he submits that the territorial authority of a police officer to issue a notice under Section 160 of the CrPC, corresponding to Section 179(1) of the BNSS, depends upon the limits of the officer's own police station and those of an adjoining police station. He submits that, in paragraph 15, the Hon'ble Andhra Pradesh High Court considered a distinct question concerning a CID police station declared to have State-wide jurisdiction and whether a CID police station in a neighbouring State could be treated as an adjoining station, he submits that even then it is only the adjoining police station in the state of Karnataka to Maharashtra which could be regarded as adjoining, Tumkur not being adjoining cannot be treated as such. According

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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to learned counsel, that exceptional question does not arise in the present cases, as respondent No. 2 is attached to Vadgaon Police Station, Kolhapur, Maharashtra, and no case is pleaded that the said police station has been notified as a CID police station exercising State-wide jurisdiction.

13.44. Learned counsel further submits that, as explained in paragraph 14 of the said judgment, the power to issue a notice under the corresponding provision is territorially restricted and cannot be exercised in respect of a person residing outside the limits of the officer's own or an adjoining police station. He contends that the petitioners' business premises at Tumkur, Karnataka, must be distinguished from their residence, which is the relevant consideration under Section 179(1) of the BNSS. On the premise that the petitioners reside outside the territorial limits contemplated by the said provision, learned counsel argues that the impugned notices are without jurisdiction. He submits that the CID exception considered in the judgment does not displace

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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this contention in the absence of comparable circumstances in the present cases.

13.45. He relies on the judgment of the Hon'ble High Court of Delhi in the case of ***Anant Brahmachari vs. Union of India & ors.,*** [2012 SCC OnLine Del 1680], paragraph 12**,** which is reproduced hereunder for easy reference:

> ***12.*** *Section 3(1) of the NIA Act starts with a non-obstante clause providing that notwithstanding anything in the Police Act, 1861, the Central Government may constitute a special agency for investigation and prosecution of offences under the Act specified in the schedule. Further, subject to any orders which the Central Government may make in this behalf, officers of the agency shall have throughout India in relation to the investigation of scheduled offences and arrest of the person concerned in such offences, all powers, duties, privileges and liabilities which Police officers have in connection with the investigation of the offences committed therein. Thus, an officer of the NIA has jurisdiction to investigate and arrest any person relating to scheduled offences anywhere in India coupled with all the powers, duties, privileges and liabilities of a Police Officer. Sub-Section (3) of Section 3, NIA Act does not restrict the power of the Police Officer to investigate beyond the jurisdictional area where he is present and he can exercise any of the powers of a Police Officer of the Police Station in the area in which he is present for the time being and he would be deemed to be an officer in-charge of the Police Station discharging the functions of such an officer within the limits of the Station. Sub-Section 3 supplements Sub-Section (2) by permitting any place where officer of the NIA is investigating to be treated as a Police Station and the investigating Officer*

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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> *the officer in-charge of the said Police Station. Sub-Section (3) does not override or restrict the powers of an officer of the agency to investigate in relation to the scheduled offences and exercises all powers, duties, privileges and liabilities of a Police officer throughout India in relation to the investigation of the said offence.* ***Further, NIA Act is a special enactment.*** *The provisions under the NIA Act will override the provisions of the Code of Criminal Procedure, 1973.*

13.46. By referring to ***Anant Brahmachari***, he submits that the nationwide investigative powers recognised in the said judgment were conferred upon officers of the National Investigation Agency by the express provisions of Section 3 of the National Investigation Agency Act, 2008 (for short 'NIA Act'), which is a special enactment. He contends that the said decision does not confer a similar authority upon an ordinary police officer investigating a crime registered within a particular State.

13.47. Applying the said distinction to the present cases, learned counsel points out that respondent No. 2 is attached to Vadgaon Police Station, Kolhapur, Maharashtra, and is investigating Crime No. 446/2025 registered at the said police station, whereas the petitioners' business premises are situated at Tumkur,

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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Karnataka. He submits that, unlike the officers of the NIA considered in Anant Brahmachari, respondent No. 2 has not been shown to possess any special statutory authority enabling him to disregard the territorial restriction under Section 179 of the BNSS. He therefore contends that the mere fact that the crime was registered in Maharashtra does not, by itself, empower respondent No. 2 to issue notices under Section 179 of the BNSS to persons residing beyond the limits of his own or an adjoining police station. On this basis, learned counsel submits that the impugned notices and the consequential investigative steps undertaken at Tumkur are without jurisdiction.

13.48. He refers to Section 186 of the BNSS, which was earlier Section 166 of the CrPC, both of which are reproduced hereunder for easy reference:

> ***186. When officer in charge of police station may require another to issue search-warrant.***
>
> *(1)An officer in charge of a police station or a police officer not being below the rank of sub-inspector making an investigation may require an officer in charge of another police station, whether in the same or a different district, to cause a search to be made in any place, in*

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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any case in which the former officer might cause such search to be made, within the limits of his own station.

(2)Such officer, on being so required, shall proceed according to the provisions of section 185, and shall forward the thing found, if any, to the officer at whose request the search was made.

(3)Whenever there is reason to believe that the delay occasioned by requiring an officer in charge of another police station to cause a search to be made under sub-section (1) might result in evidence of the commission of an offence being concealed or destroyed, it shall be lawful for an officer in charge of a police station or a police officer making any investigation under this Chapter to search, or cause to be searched, any place in the limits of another police station in accordance with the provisions of section 185, as if such place were within the limits of his own police station.

(4)Any officer conducting a search under sub-section (3) shall forthwith send notice of the search to the officer in charge of the police station within the limits of which such place is situate, and shall also send with such notice a copy of the list (if any) prepared under section 103, and shall also send to the nearest Magistrate empowered to take cognizance of the offence, copies of the records referred to in sub-sections (1) and (3) of section 185.

(5)The owner or occupier of the place searched shall, on application, be furnished free of cost with a copy of any record sent to the Magistrate under sub-section (4).

13.49. Section 166 of the CrPC, is reproduced hereunder for easy reference

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***166. When officer in charge of police station may require another to issue search-warrant**.—(1) An officer in charge of a police station or a police officer not being below the rank of sub-inspector making an investigation may require an officer in charge of another police station, whether in the same or a different district, to cause a search to be made in any place, in any case in which the former officer might cause such search to be made, within the limits of his own station.*

(2) Such officer, on being so required, shall proceed according to the provisions of section 165, and shall forward the thing found, if any, to the officer at whose request the search was made.

(3) Whenever there is reason to believe that the delay occasioned by requiring an officer in charge of another police station to cause a search to be made under sub-section (1) might result in evidence of the commission of an offence being concealed or destroyed, it shall be lawful for an officer in charge of a police station or a police officer making any investigation under this Chapter to search, or cause to be searched, any place in the limits of another police station in accordance with the provisions of section 165, as if such place were within the limits of his own police station.

(4) Any officer conducting a search under sub-section (3) shall forthwith send notice of the search to the officer in charge of the police station within the limits of which such place is situate, and shall also send with such notice a copy of the list (if any) prepared under section 100, and shall also send to the nearest Magistrate empowered to take cognizance of the offence, copies of the records referred to in sub-sections (1) and (3) of section 165.

(5) The owner or occupier of the place searched shall, on application, be furnished free of cost with a copy of any record sent to the Magistrate under sub-section (4).

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13.50. He refers to Section 186 of the BNSS, corresponding to Section 166 of the CrPC, which provides for a search to be conducted in the territorial limits of another police station at the request of the investigating police officer, subject to the procedure prescribed therein.

13.51. The corresponding provision, namely Section 166 of the CrPC, is also relied upon by learned counsel in support of his submissions concerning the exercise of investigative powers beyond the territorial limits of the police station concerned.

13.52. By referring to Section 186 of the BNSS, learned counsel submits that the provision prescribes a statutory mechanism for conducting a search within the limits of another police station. Under sub-section (1), the investigating officer may require the officer in charge of the other police station to cause the search to be conducted. He further submits that sub-section (3) permits the investigating officer to conduct or cause such search to be conducted directly within the limits of another

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police station only where there is reason to believe that the delay occasioned by seeking the assistance of the officer in charge of that police station may result in the concealment or destruction of evidence, and the search is otherwise conducted in accordance with the prescribed procedure.

13.53. Applying the said provision to the facts of the present cases, learned counsel contends that the Maharashtra police officials, having undertaken investigative steps at the petitioners' business premises at Tumkur, Karnataka, were required to act in accordance with the applicable statutory procedure governing the exercise of investigative powers beyond their ordinary territorial limits. He submits that, in the absence of circumstances attracting the urgency contemplated under Section 186(3) of the BNSS, the said provision cannot be invoked to justify a direct search within the jurisdiction of another police station. He accordingly relies upon the provision in support of his contention that the legality of the investigative steps undertaken by respondent

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30/10/2026, 17:10, Bengaluru)
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No. 2 in Karnataka must be tested against the applicable statutory requirements.

13.54. Learned counsel submits that, although the vehicle was intercepted on 19.08.2025, the police officials from Maharashtra visited the petitioners' premises at Tumkur only on 21.08.2025, after a lapse of two days. He contends that the intervening period afforded sufficient opportunity to seek the assistance of the local police in Karnataka in accordance with the procedure contemplated under Section 186(1) of the BNSS. Therefore, according to learned counsel, there was no urgency warranting the direct exercise of search powers within the jurisdiction of another police station under Section 186(3) of the BNSS, which applies where delay in obtaining such assistance may result in the concealment or destruction of evidence. On this basis, he submits that the Maharashtra police officials cannot rely upon the urgency exception under Section 186(3) to justify their actions at the petitioners' premises.

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13.55. He relies on the judgment of the Hon'ble Apex Court in the case of ***Ronny Allias Ronald James Alwaris and Others vs. State of Maharashtra*** [(1998) 3 SCC 625], paragraph 29, which is reproduced hereunder for easy reference:

> ***29. Section 166 is an enabling provision, which enables an officer in charge of a police station to require another to issue search warrant.*** *Sub-section (3) of Section 166 provides that whenever there is a reason to believe that by requiring an officer in charge of another police station to cause a search to be made under sub-section (1) of that section might occasion delay and result in evidence of the commission of an offence being concealed or destroyed, it shall be lawful for the investigating officer or team making investigation under Chapter XII to search or cause to search any place in the limits of another police station in accordance with the provisions of Section 165 CrPC as if such place were within the limits of his own police station.* ***Sub-section (4) requires that after conducting the search as contemplated under sub-section (3), the officer shall forthwith send a notice to the officer in charge of the police station within the limits of such place and a copy of the list, if any, prepared under Section 100 to that police station and to the nearest magistrate empowered to take cognizance of the offence along with the copies of the record referred to in sub-sections (1) and (3) of Section 165.*** *When the Investigating Officer (PW 83) was questioned on this aspect, he replied that he wrote two letters to the police station in which the articles were seized. However, what is pointed out before us is that the copies of the letters sent to the other police station in whose jurisdiction the search and seizures were made, had not been produced. We find no substance in this submission.* ***The witness stated that he has sent the***

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30/10/2026, 17:10, Bengaluru)
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> ***letter to the police station concerned, therefore, the presumption under Illustration (e) of Section 114 of the Evidence Act would arise and the official acts would be deemed to have been performed regularly.*** *There is thus no non-compliance of the aforementioned provisions of the Code of Criminal Procedure.*

13.56. By relying on ***Ronny***, he submits that Section 166 of the CrPC, corresponding to Section 186 of the BNSS, provides a statutory mechanism for conducting searches within the territorial limits of another police station. He places reliance on paragraph 29 of the said judgment, which explains that an investigating officer may directly conduct or cause a search to be conducted within the limits of another police station under the urgency exception only where there is reason to believe that the delay occasioned by seeking the assistance of the officer in charge of that police station may result in the concealment or destruction of evidence. He further points out that the provision requires compliance with the consequential procedural safeguards, including prompt intimation to the police station

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30/10/2026, 17:10, Bengaluru)
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concerned and the forwarding of the prescribed records.

13.57. Applying the said principle to the present cases, learned counsel submits that the vehicle was intercepted on 19.08.2025, whereas the Maharashtra police officials visited the petitioners' premises at Tumkur, Karnataka, only on 21.08.2025. He contends that the intervening period afforded sufficient opportunity to seek the assistance of the local police in Karnataka and that no circumstances have been demonstrated to indicate that such a course would have occasioned delay likely to result in the concealment or destruction of evidence. Accordingly, he argues that the urgency exception under Section 186(3) of the BNSS was not available to justify any search conducted directly within the jurisdiction of another police station, and that the legality of the actions undertaken at the petitioners' premises must be examined in light of the statutory procedure and safeguards prescribed under the said provision.

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13.58. His submission is that Section 186 regulates the execution of warrants beyond the territorial jurisdiction requiring safeguards to be adhered to, which would in turn require intimation/assistance from the local jurisdictional Magistrate or an endorsement from the local Executive Magistrate or police authority.

13.59. He refers to Section 45 of the BNSS and earlier Section 48 of the CrPC. Section 45 of the BNSS is reproduced hereunder for easy reference:-.

> ***45. Pursuit of offenders into other jurisdictions–****A police officer may, for the purpose of arresting without warrant any person whom he is authorised to arrest, pursue such person into any place in India.*

13.60. Section 48 of the CrPC, is reproduced hereunder for easy reference:-.

> ***48. Pursuit of offenders into other jurisdictions.—****A police officer may, for the purpose of arresting without warrant any person whom he is authorised to arrest, pursue such person into any place in India.*

13.61. By referring to Section 45 of BNSS, his submission is that a police officer has the power to arrest an offender at any place in India.

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30/10/2026, 17:10, Bengaluru)
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13.62. However, even this power is subject to safeguards and protocols in terms of Sections 57, 58, 59 and 60 of the BNSS, which are reproduced hereunder for easy reference:

> ***57. Person arrested to be taken before Magistrate or officer in charge of police station.***
>
> *A police officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of a police station.*
>
> ***58. Person arrested not to be detained more than twenty-four hours.***
>
> *No police officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 187, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court, whether having jurisdiction or not.*
>
> ***59. Police to report apprehensions.***
>
> *Officers in charge of police stations shall report to the District Magistrate, or, if he so directs, to the Sub-divisional Magistrate, the cases of all persons arrested without warrant, within the limits of their respective stations, whether such persons have been admitted to bail or otherwise.*
>
> ***60. Discharge of person apprehended.***
>
> *No person who has been arrested by a police officer shall be discharged except on his bond, or bail bond, or under the special order of a Magistrate.*

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30/10/2026, 17:10, Bengaluru)
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13.63. By relying on Sections 45, 57, 58, 59 and 60 of the BNSS he submits that although Section 45 authorises a police officer to pursue an offender into any place in India for the purpose of effecting an arrest without warrant, where the officer is otherwise authorised by law to make such arrest, the exercise of that power is subject to the statutory safeguards governing arrest, custody, production before the competent Magistrate and reporting of apprehensions. He contends that the express provision permitting pursuit across territorial boundaries for the limited purpose of arrest cannot be construed as conferring an unrestricted authority upon a police officer to exercise all investigative powers throughout India, irrespective of the territorial limitations prescribed by the BNSS.

13.64. Applying the said principle to the present cases, learned counsel submits that respondent No. 2, being attached to Vadgaon Police Station, Kolhapur, Maharashtra, cannot rely upon Section 45 of the BNSS to justify the issuance of notices under Section 179 of the BNSS or the undertaking of other investigative steps at the

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30/10/2026, 17:10, Bengaluru)
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petitioners' premises at Tumkur, Karnataka. He argues that the power to pursue an offender for arrest is distinct from the power to require attendance for examination or to undertake searches and other investigative measures within the jurisdiction of another police station, each of which must be exercised in accordance with the applicable statutory provisions. Accordingly, he submits that Section 45 does not dispense with compliance with the territorial and procedural requirements governing the impugned actions.

13.65. He relies on the judgment of the Hon'ble High Court of Delhi in the case of ***Sandeep Kumar vs. State (Govt. of NCT of Delhi) and others,*** [2019 SCC OnLine Del 11901], paragraphs 15 and 16, which are reproduced hereunder for easy reference:-

> ***15.*** *The Committee has, after examining all of the above material in detail, given detailed suggestions as to the protocol to be followed by the police in the event of inter-state arrest. These read as under:*
>
> *"1. The police officer after assignment of the case to him, must seek prior permission/sanction of the higher/superior officers in writing or on phone (in case of urgency) to go out of State/UT to carry out investigation.*

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30/10/2026, 17:10, Bengaluru)
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2. In a case when the police officer decides to effect an arrest, he must set out the facts and record reasons in writing disclosing the satisfaction that arrest is necessary for the purpose of investigation. At first instance, he should move the Jurisdictional Magistrate to seek arrest/search warrants under Section 78 and 79 CrPC except in emergent cases when the time taken is likely to result in escape of the accused or disappearance of incriminating evidence or the procurement of arrest/search warrant would defeat the purpose. The police officer must record reasons as to what were the compelling reasons to visit other State without getting arrest/search warrants.

3. Before proceeding outside the State, the police officer must make a comprehensive departure entry in the Daily Diary of his Police Station. It should contain names of the police officials and private individuals accompanying him; vehicle number; purpose of visit; specific place(s) to be visited; time and date of departure.

4. If the possible arrestee is a female, a lady police officer be made part of the team. The police officers should take their identity cards with them. All police officers in the team should be in uniform; bear accurate, visible and clear identification and name tags with their designations.

5. ***Before visiting the other State, the police officer must endeavour to establish contact with the local Police Station in whose jurisdiction he is to conduct the investigation.*** *He must carry with him the translated copies of the Complaint/FIR and other documents in the language of the State which he intends to visit.*

6. ***After reaching the destination, first of all, he should inform the concerned police station of the purpose of his visit to seek assistance and co-operation.*** *The concerned SHO should provide/render all legal assistance to him. Entry to this effect must be made at the said police station.*

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30/10/2026, 17:10, Bengaluru)
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7. After reaching the spot of investigation, search, if any should be strictly conducted in compliance of the procedure laid down u/s 100 CrPC All endeavour should be made to join independent public witnesses from the neighbourhood. In case of arrest, the police officer must follow the procedure u/s 41A and 41B and Section 50 and 51 CrPC The process of arrest carried out by the police must be in compliance with the guidelines given in DK Basu case (Supra) and the provisions of CrPC.

8. The arrested person must be given an opportunity to consult his lawyer before he is taken out of State.

9. While returning, the police officer must visit the local police station and cause an entry made in the Daily Diary specifying the name and address of the person(s) being taken out of the State; articles if any, recovered. The victim's name be also indicated.

10. Endeavor should be made to obtain transit remand after producing the arrestee before the nearest Magistrate unless exigencies of the situation warrant otherwise and the person can be produced before the Magistrate having jurisdiction of the case without infringing the mandate of S. 56 and 57 of CrPC within 24 hours.

11. The Magistrate before whom the arrestee is produced, must apply his mind to the facts of the case and should not grant transit remand mechanically. He must satisfy himself that there exists material in the form of entries in the case diary that justifies the prayer for transit remand. The act of directing remand of an accused is fundamentally a judicial decision. The Magistrate does not act in executive capacity while ordering detention of the accused. He must ensure that requirements of S. 41 (I)(b) are satisfied. The police officer must send the case diary along with the remand report so that the Magistrate can appreciate the factual scenario and apply his mind whether there is a warrant for police remand or justification for judicial remand or there is no need for any remand at all. The Magistrate

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SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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should briefly set out reasons for his decision. (Manubhai Ratilal Patel v. State of Gujarat, (2013) 1 SCC 314)

12. Another mandatory procedural requirement for the Magistrate considering a transit remand application is spelt out in Article 22 (1) of Constitution of India. This entitles the person arrested to be informed as soon as may be the grounds of such arrest. The Magistrate has to ensure that the arrested person is not denied the right to consult and to be defended by a legal practitioner of his choice. The Magistrate should ask the person arrested brought before him whether in fact he has been informed of the grounds of arrest and whether he requires to consult and be defended by any legal practitioner of his choice. (DK Basu, Supra) After the pronouncement of this judgment by the Hon'ble Supreme Court, new Sections 41A to 41D have been added to prevent unnecessary arrest and misuse of powers. Denying a person of his liberty is a serious matter.

13. In terms of S. 41C, control rooms be established in every district. Names and addresses of the persons arrested and designation of the police officers who made the arrest be displayed. Control Room at State level must collect details of the persons so arrested.

14. The police officer must record all the proceedings conducted by him at the spot and prepare an 'arrest memo' indicating time, date of arrest and name of the relation/friend to whom intimation of arrest has been given. It must reveal the reasons for arrest.

15. Since the arrestee is to be taken out of his State to a place away where he may not have any acquaintance, he may be permitted to take along with him (if possible), his family member/acquaintance to remain with him till he is produced before the jurisdictional Magistrate. Such family member would be able to arrange legal assistance for him.

16. The arrested person must be produced before the jurisdictional Magistrate at the earliest, in any case, not beyond 24 hours from the date of arrest excluding the journey time so that arrest of such person and his

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30/10/2026, 17:10, Bengaluru)
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detention, if necessary, may be justified by a judicial order. The 24 hours period prescribed u/s 57 CrPC is the outermost limit beyond which a person cannot be detained in police custody. It does not empower a police officer to keep a person in police station a minute longer than is necessary for the purpose of investigation and it does not give him an absolute right to keep a person till 24 hours.

17. On arrival at the police station, the police officer must make an arrival entry in the record and indicate the investigation carried out by him, the person arrested and the articles recovered. He should also inform his senior police officers/SHO concerned about it immediately. The superior police officer shall personally supervise such investigation.

18. The police officer should effect arrest u/s 41(l)(b) CrPC only when he has reasonable suspicion and credible information. He must satisfy himself about the existence of the material to effect arrest. There must be definite facts or averments as distinguished from vague surmises or personal feelings. The materials before him must be sufficient to cause a bona-fide belief. He cannot take shelter under another person's belief or judgment. He must affect arrest at his own risk and responsibility as the effect of illegal arrest could be commission of offence of wrongful confinement punishable u/s 342 IPC. Burden lies on the IO to satisfy the Court about his bona-fide. No arrest can be made because it is lawful for the police officer to do so. Denying a person of his liberty is a serious matter.

19. Medical examination soon after arrest to avoid possibility of physical torture during custody should be conducted.

20. The IO must maintain a complete and comprehensive case diary indicating the investigation carried out by him.

21. The log book of the vehicle used for transportation must be maintained and signed. The IO must indicate whether the vehicle was official or a private one; name of its driver and how and by whom it was arranged. Only

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30/10/2026, 17:10, Bengaluru)
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official vehicle should be used for transportation to the extent possible.

22. At the time of recovery of the prosecutrix, the police officer, if he is satisfied that she is adult, should ascertain from her at the spot, whether she was present there with her free will. If the victim/prosecutrix is not willing to accompany the police officer or her relatives, the police officer must not exert force on the prosecutrix to take her away against her wishes. However, if the prosecutrix/victim of her own accord expresses willingness to accompany the police officer/relatives, her consent in writing should be obtained at the spot.

23. In case where the police officer finds the victim/prosecutrix to be a 'minor', soon after recovery, she should be produced before the local Child Welfare Committee for further decision regarding her custody. She must not be made to stay in the Police Station during night hours.

24. Statement of the prosecutrix u/s 164 CrPC must be recorded at the earliest.

25. MHA/Central Govt/Commissioner of Police must frame suitable guidelines for police officers to render all suitable assistance. The failure to adhere to the rules/guidelines should render the police officer liable for departmental action as well as contempt of the Court.

26. The Public Prosecutor should provide required assistance to the police officer visiting his State at the time of seeking transit remand.

27. The MHA/State Government should circulate the Rules/Guidelines/Notifications, etc. from time to time to the police officers in the State to create awareness. Periodically training should be provided to the police officers to sensitize them.

28. Instructions/Guidelines of similar nature should exist in all the States/UTs for speedy, smooth and effective inter-State investigation.

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30/10/2026, 17:10, Bengaluru)
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29. The delinquent police officer can be directed to pay compensation under the public law and by way of strict liability."

16. *There is a further suggestion by way of addition to the report which reads as under:*

"In partial modification of the joint report, it is suggested that if, in case of urgency or other considerations in the interest of investigation, it is not found feasible to inform the police station encompassing the jurisdiction of the search, seizure, arrest or investigation before the event, this should be done soon after the search, seizure, arrest, etc. has been conducted. In all cases a diary entry should mandatorily be made in the police station of jurisdiction. Extant instructions of various state forces such as Karnataka already include this provision of informing after the event. *Section 166 CrPC also relevantly requires that if a search has to be conducted in another police station, the SHO may require the SHO of that police jurisdiction to do the needful. In case there are chances of loss of evidence, he may himself get the search conducted and forthwith inform the officer of the concerned police station."*

13.66. By relying on ***Sandeep Kumar***, his submission is that the Hon'ble High Court of Delhi had formed a committee headed by a retired High Court Judge to look into the issue of procedure to be followed while one State Police goes into another State for the purpose of investigation and it is this recommendation which has been accepted by the Hon'ble Delhi High Court as extracted supra.

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30/10/2026, 17:10, Bengaluru)
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13.67. He submits that the Hon'ble Delhi High Court considered the recommendations concerning the procedure and safeguards to be followed by police officers while undertaking inter-State police operations. He draws the attention of this Court to the recommendations concerning prior approval from superior officers, recording of departure entries, coordination with the local police station, seeking assistance and cooperation of the local police, compliance with the procedure governing search and seizure, and recording the relevant proceedings in the police records. He also relies upon the recommendation that, where urgency or other considerations make it impracticable to inform the police station having territorial jurisdiction before undertaking a search, seizure, arrest or investigation, such intimation should be given soon thereafter and the requisite entry should be made in the records of the local police station.

13.68. By relying upon ***Sandeep Kumar***, learned counsel submits that inter-State investigation, though permissible in law, is not an exercise of unregulated or unrestricted police power.

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30/10/2026, 17:10, Bengaluru)
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According to him, the statutory scheme under the BNSS, corresponding to the relevant provisions of the CrPC, recognises specific circumstances in which investigative powers may be exercised beyond the ordinary territorial jurisdiction of a police station and prescribes the procedure to be followed in such circumstances. He contends that the ordinary territorial limits of a police station cannot be disregarded merely because a case has been registered in another State and that the exercise of any power beyond such limits must be traceable to statutory authority and must conform to the applicable procedural safeguards.

13.69. Learned counsel further submits that the constitutional distribution of legislative and executive authority relating to criminal law, criminal procedure and police administration must also be borne in mind while examining the exercise of police powers across State boundaries. He refers to Entries 1 and 2 of List III of the Seventh Schedule to the Constitution of India, Entry 2 of List II and Entry 80 of List I, and contends that the exercise of police powers

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30/10/2026, 17:10, Bengaluru)
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beyond the territorial jurisdiction of the State concerned must be understood in the context of the constitutional scheme and the applicable statutory provisions. He submits that the existence of an investigation in the State of Maharashtra does not, by itself, confer an unrestricted authority upon the police attached to Vadgaon Police Station to undertake every investigative step in the State of Karnataka without following the procedure prescribed by law.

Section 179 of the BNSS – Attendance of persons for examination

13.70. Learned counsel submits that Section 179 of the BNSS, governs the power of a police officer to require the attendance of persons acquainted with the facts and circumstances of a case for examination. He contends that the provision incorporates a territorial qualification concerning the residence of the person whose attendance is required and that the said qualification must be given effect to while determining the validity of a notice issued thereunder. According to learned counsel, the power to require attendance cannot be

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30/10/2026, 17:10, Bengaluru)
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construed as an unrestricted authority to compel a person to attend irrespective of the territorial limits prescribed by the statute.

Application of Section 179 to the present cases

13.71. Applying the aforesaid provision, learned counsel submits that the notices issued to the petitioners required them to appear before Vadgaon Police Station, Kolhapur, Maharashtra, whereas their statements were subsequently recorded at Tumkur, Karnataka, when the police personnel visited their premises. He contends that no explanation was furnished for the change in the place of examination. He further submits that the location of the petitioners' business premises at Tumkur does not, by itself, establish their place of residence for the purpose of Section 179 of the BNSS. According to learned counsel, the legality of the notices must therefore be examined with reference to the petitioners' actual residence and the territorial limits specified in the provision.

Section 186 of the BNSS – Search within the jurisdiction of another police station

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30/10/2026, 17:10, Bengaluru)
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13.72. Learned counsel submits that Section 186 of the BNSS prescribes the procedure governing searches in places situated within the jurisdiction of another police station. According to him, the provision contemplates recourse to the officer in charge of the police station having jurisdiction over the place where the search is to be conducted. He further submits that the provision permits an investigating officer to undertake a search directly in the circumstances specified therein, where the prescribed conditions concerning the risk of concealment or destruction of evidence arising from delay are satisfied, subject to compliance with the applicable procedure. He contends that a search undertaken beyond the territorial jurisdiction of the investigating officer's police station must therefore be justified with reference to the statutory conditions governing such an exercise.

Application of Section 186 to the present cases

13.73. Applying the aforesaid provision, learned counsel submits that respondent No. 2 and the police personnel attached to Vadgaon Police

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SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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Station visited the petitioners' premises at Tumkur and allegedly conducted a search without informing the local police or securing their assistance. He contends that the local police were neither associated with the exercise nor afforded an opportunity to assist in accordance with the applicable procedure. He further submits that the respondents have not demonstrated that the circumstances warranting recourse to the statutory exception existed or that the procedure applicable to such an exception was followed. According to learned counsel, the search was undertaken as though the petitioners' premises in Karnataka fell within the ordinary territorial jurisdiction of the Maharashtra police.

Inter-State police operations – Procedural coordination and safeguards

13.74. Learned counsel further submits that investigative operations undertaken beyond the territorial jurisdiction of the concerned police station must be conducted with due regard to the applicable statutory requirements and procedural safeguards. He contends that coordination with the local police, maintenance

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SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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of appropriate records and compliance with the procedure applicable to the particular investigative action are important safeguards against the arbitrary exercise of police powers. Where urgency or other legitimate considerations render prior intimation impracticable, the circumstances justifying such a course and compliance with the applicable requirements for subsequent intimation and recording must be considered. According to learned counsel, the existence of an investigation in one State does not, by itself, dispense with these requirements when investigative steps are undertaken in another State.

Application of the procedural safeguards to the present cases

13.75. Learned counsel submits that, in the present cases, the police personnel attached to Vadgaon Police Station visited the petitioners' premises at Tumkur without informing the local police or securing their assistance in connection with the alleged search. He contends that the respondents have not demonstrated compliance with the applicable safeguards governing such

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SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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inter-State police operations. He further submits that the discrepancy between the place specified in the notices and the place where the statements were recorded, when considered alongside the alleged absence of coordination with the local police, raises serious concerns regarding the manner in which the investigation was conducted.

Limits of investigative powers exercised beyond territorial jurisdiction

13.76. Learned counsel submits that the existence of a power to pursue a person beyond territorial limits for the purpose of arrest, where the statutory conditions are satisfied, cannot be construed as conferring an unrestricted power to undertake every form of investigation throughout the country. He contends that the powers relating to arrest, examination of persons, production of documents and searches are governed by distinct statutory provisions and that the conditions prescribed for one investigative purpose cannot be invoked to dispense with the requirements applicable to another. According to learned counsel, each investigative action undertaken by the

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SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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respondents must be supported by the relevant statutory authority and must conform to the conditions and procedure prescribed for its exercise.

Application to the impugned actions and prayer

13.77. Learned counsel contends that the notices issued to the petitioners, the alleged search at their premises in Tumkur and the consequential investigative actions must be examined independently in the light of the statutory provisions governing each action. He submits that the change in the place of examination, the alleged failure to coordinate with the local police and the asserted non-compliance with the applicable statutory requirements, when considered cumulatively, support the petitioners' contention that the impugned actions were arbitrary and intended to harass them in the course of carrying on their lawful business.

13.78. Accordingly, learned counsel prays that this Court allow the writ petitions and grant the reliefs sought therein; quash or set aside the impugned notices, the alleged search and the

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SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
Verified

consequential actions of the respondents, to the extent they are found to have been undertaken without authority of law or contrary to the applicable statutory procedure; and issue such further or other directions as this Court may deem fit in the facts and circumstances of the cases, in the interests of justice and equity.

14. Notice having been issued to the respondents, despite the notice having been served, shockingly none has appeared for respondents No.1 and 2.

15. Respondent No.3 is the State of Karnataka represented by Tumkur Rural Police Station and learned AGA has appeared for respondent No.3.

16. Sri.Mohammed Jaffar Shah, learned Additional Government Advocate submits that

16.1. The statutory provisions are as contended by the learned counsel for the petitioners. He was called upon to obtain instructions and make a submission as to whether the Vadgaon Police had sought the consent, concurrence, and/or participation of the jurisdictional police, namely Tumkur Police, in the actions resorted to by the Vadgaon Police.

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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16.2. Upon instructions, he categorically submitted that respondent No.2 – police has never contacted respondent No.3. The search and/or issuance of notice by respondent No. 2 to the petitioners have been done on their own. Respondent No. 3 was not aware of any of the actions taken by Respondent No. 2 and its police. Respondent No. 3 was not informed of the action prior to, during or after the said actions and on that basis he submits that Respondent No. 3 will abide by any orders passed by this Court.

16.3. Learned AGA produces the Standing Order No.576 dated 12.02.1962, which reads as under:

STANDING ORDER NO. 576

No C6 R. 110/58, Dated 12th February 1962

Meetings of border Police Officers for Effecting co-operation in connection with the control of organized crime and of criminals

***

In the draft Mysore Police Manual Volume I, Rule 617 (2) (a) to (d) Provisions were proposed for arranging meetings of border Police Officers for the purpose of effecting co-operation in connection with the control of organized crime and of criminals. The Government have

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SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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in their letter No. HD 246 PEG.60 dated 6-12-1961 have approved the arrangements proposed in the draft Police Manual. The following instructions are therefore issued in the matter:

(a) In order to secure satisfactory co-operation between the Police of neighbouring areas for the purpose of control of organized crime and of criminals, all Executive Officers from the rank of Sub-Inspectors to the District Superintendent of Police, both of the District and of Railway Police, should keep up frequent and confidential intercourse by correspondence and meetings with Officers of corresponding ranks in the areas bordering their jurisdiction, whether within or outside the state of Mysore. Meetings should take place when there is current matter for personal discussions and may be held on the frontier or elsewhere as found convenient. They should take place as often as is necessary for the purpose for which they are intended and no year should be allowed to pass without atleast one meeting.

(b) Similar meetings should also be effected by range Deputy Inspector General of Police with bordering Deputy Inspector General of Police within the state and with Officers of corresponding ranks of bordering areas beyond the state when necessary for co-ordinating steps to be taken in regard to the control of crime and criminals. The meetings should be held every year in the bordering states and this state by rotation.

(c) Sub-Divisional Officers and District Superintendents of Police should see that the meetings contemplated above are effected by Officers of the rank of Sub-Inspector and Police Inspector serving under them. Range Deputy Inspector General of Police should see that similar meetings are effected by the Gazetted Officers serving under them and send a report to the Inspector General of Police on the 15th January each year as to whether this rule has been complied with. In this report they should also state what meetings they have themselves effected during the preceding calendar year with the bordering Deputy Inspector General of Police.

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
Verified

> *(d) Except in cases of emergency, the Officers subordinate to the District Superintendents of Police must obtain his permission before proceeding out of the District and District Superintendents of Police and Deputy Inspector General of Police must obtain the permission of the Inspector General of Police before they visit another state for the purpose of such meetings. If owing to emergency an Officer leaves his District or proceeds to another state without obtaining previous permission, the journey should be subsequently get sanctioned and ratified by the authority competent to grant permission."*
>
> *2. All the Deputy Inspector General of Police and Superintendents of Police see that the border meetings contemplated under paras (a) and (b) are arranged from this year onwards. The Deputy Inspector General of Police should also send the first report in the matter on 15th January 1963 and further reports on 15th January of each year.*
>
> *3. The receipt of this Standing Order may please be acknowledged.*

16.4. By relying on Standing Order No. 576 he submits that the said Standing Order applicable in the State of Karnataka provides for inter-jurisdictional cooperation and coordination between police officers of neighbouring areas, including those situated in different States, for the purpose of controlling organised crime and criminals. He draws particular attention to clause (d), which stipulates that, except in cases of emergency, police officers subordinate to the District Superintendent of Police are

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
Verified

required to obtain his permission before proceeding outside the district, while District Superintendents of Police and Deputy Inspectors General of Police are required to obtain the permission of the Inspector General of Police before visiting another State for the purposes contemplated under the Standing Order. In cases of emergency, the journey is required to be subsequently sanctioned and ratified by the competent authority. Learned AGA, therefore, relies upon the Standing Order to contend that the movement of police officers across district and State boundaries is governed by the prescribed administrative instructions and that inter-jurisdictional police operations must be considered in the context of the applicable coordination procedures and exceptions.

17. Heard Sri Gautam S. Bharadwaj, learned counsel for the petitioners in both the matters and Sri.Mohammed Jaffar Shah, learned AGA for respondent No.3 in both the matters. Perused Papers.

18. The points that would arise for consideration are:

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
Verified

(i) Whether the police officers attached to Vadgaon Police Station, Kolhapur District, Maharashtra, were legally competent to issue notices under Section 179 of the Bharatiya Nagarik Suraksha Sanhita, 2023, requiring the petitioners, situated in Karnataka, to appear before them, having regard to the territorial limitations prescribed under the said provision?

(ii) Whether the visit by the Maharashtra police to the petitioners' business premises at Tumkur, Karnataka, and the investigative steps undertaken therein, including the alleged search and recording of statements, without informing or involving the jurisdictional police in Karnataka, were in accordance with the applicable statutory provisions and procedural safeguards governing inter-State police operations?

(iii) Whether Standing Order No. 576 dated 12.02.1962, relied upon by the learned Additional Government Advocate, governs the inter-jurisdictional movement and coordination of police officers in the circumstances of the present cases and, if so, whether its requirements were complied with?

(iv) Whether the petitioners have established that the impugned notices and investigative actions of respondent No. 2 were without lawful authority or otherwise contrary to the procedure prescribed by law, warranting interference by this Court

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
Verified

under Articles 226 and 227 of the Constitution of India?

(v) What order?

19. This Court answers the above points as follows:

20. **<u>Answer to Point No. (i):</u> Whether the police officers attached to Vadgaon Police Station, Kolhapur District, Maharashtra, were legally competent to issue notices under Section 179 of the Bharatiya Nagarik Suraksha Sanhita, 2023, requiring the petitioners, situated in Karnataka, to appear before them, having regard to the territorial limitations prescribed under the said provision?**

20.1. Sri Gautam S. Bharadwaj, learned counsel for the petitioners in both petitions, submitted that Crime No. 446/2025 was registered at Vadgaon Police Station, Kolhapur, Maharashtra, against unknown persons. The petitioners are not named in the FIR. Nevertheless, notices were issued to the partners requiring them to appear at Vadgaon Police Station, though their statements were recorded at Tumkur, Karnataka. The notices were stated to have been issued under Section 179 BNSS. Learned counsel submitted that they were without

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
Verified

authority of law because respondent No. 2 had neither obtained prior permission nor secured the concurrence of the competent authorities in Karnataka.

20.2. Section 179 BNSS corresponds to Section 160 of the CrPC. It empowers an investigating police officer to require the attendance of a person "*being within the limits of his own or any adjoining station*". Learned counsel submitted that these words impose a territorial limit on the power to compel attendance. Several districts of Karnataka lie between Kolhapur and Tumkur. The petitioners, therefore, could not be treated as being within the limits of Vadgaon Police Station or an adjoining police station.

20.3. Learned counsel also relied on Entries 1 and 2 of List III, Entry 2 of List II and Entry 80 of List I of the Seventh Schedule to the Constitution of India. He submitted that the constitutional scheme does not permit the police of one State to exercise powers in another State without the authority of law and, where required, the consent of the latter State. He relied on

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
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Bhavesh Jayanti Lakhani v. State of Maharashtra, [(2009) 9 SCC 551], paragraph 95, and ***State of West Bengal v. Committee for Protection of Democratic Rights,*** [(2010) 3 SCC 571], paragraph 30, in support of his submissions concerning the territorial limits of State police powers. He clarified that his case was not that police officers of one State could never investigate a matter in another State, but that they must act within the powers and safeguards prescribed by law.

20.4. On the interpretation of the territorial restriction in Section 160 CrPC, learned counsel relied on the following decisions:

20.4.1. In ***Pusma Investment (P) Ltd. v. State of Meghalaya*****,** [2009 SCC OnLine Gau 107], paragraph 5, the Hon'ble High Court of Gauhati held that a person residing outside the limits of the issuing police station and any adjoining police station could not be compelled to attend under Section 160 CrPC.

20.4.2. In ***Kulvinder Singh Kohli v. State*** (NCT of Delhi), [2022 SCC OnLine Del

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
Verified

1766], paragraphs 21 to 34, the Hon'ble High Court of Delhi considered the territorial limits of the power to summon a person under Section 160 CrPC.

20.4.3. In ***Directorate of Enforcement v. State of West Bengal***, [2021 SCC OnLine Del 5603], paragraphs 18, 22, 25, 26 and 27, the Hon'ble High Court of Delhi held that the statutory language limits the power to require attendance and does not confer an unrestricted, country-wide power under Section 160 CrPC.

20.4.4. Learned counsel also relied on ***Jamshed Adil Khan v. Union Territory of Jammu and Kashmir***, [2022 SCC OnLine Del 4870], paragraphs 8 to 10, and ***Ravinder Singh v. State,*** [2010 SCC OnLine Del 4783], paragraphs 1 to 3, in which notices issued beyond the limits of the issuing police station and any adjoining station were set aside.

20.5. Learned counsel particularly relied on ***Ravinder Singh*** to submit that setting aside an unlawful

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SURAJ GOVINDA RAJ
30/10/2026, 17:10, Bengaluru)
Verified

notice does not prevent the investigating officer from travelling outside the officer's jurisdiction to contact or examine a witness. The restriction, according to him, is on compelling attendance by a notice issued beyond the limits prescribed by the statute.

20.6. Learned counsel submitted that ***V.D. Moorthy v. State of A.P.,*** [2025 SCC OnLine AP 3099], paragraphs 11 and 15 to 21, directly considered Section 179 BNSS. He relied on paragraphs 15, 18 and 20 for the propositions that the provision does not confer unlimited jurisdiction and that a notice requiring attendance beyond the prescribed territorial limits is without jurisdiction. He further submitted that recording the petitioners' statements at Tumkur could not cure the lack of authority to require them to attend at Vadgaon. He also relied on ***Krishan Bans Bhadur v. State of Himachal Pradesh***, [1974 SCC OnLine HP 39], paragraph 4, in support of the same interpretation.

20.7. Learned counsel distinguished the location of a person's business from the place where that person resides. He submitted that the record

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
Verified

establishes the location of the petitioners' business at Tumkur but does not establish that the partners reside within the limits of Vadgaon Police Station or an adjoining station.

20.8. He also relied on ***Devagupthapu Hara Venkata Surya Satynarayana Murthy v. State of Andhra Pradesh*****,** [2022 SCC OnLine AP 2402], paragraphs 11, 14, 15 and 27. According to him, the treatment of State-wide CID police stations in that decision arose from the special territorial coverage of those stations. There is no material which shows that Vadgaon Police Station has State-wide jurisdiction or that any police station in Karnataka shares a boundary with it. Tumkur, therefore, could not be treated as being within an adjoining police station.

20.9. By relying on ***Anant Brahmachari v. Union of India,*** [2012 SCC OnLine Del 1680], paragraph 12, learned counsel submitted that the country-wide jurisdiction discussed in that decision arose from Section 3 of the National Investigation Agency Act, 2008, a special

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SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
Verified

enactment. It did not confer similar powers on an ordinary State police officer.

20.10. Learned counsel also relied on ***Dharampal Satyapal Ltd. v. State of Maharashtra***, [2022 SCC OnLine Gau 943], paragraphs 5, 15 and 18 to 22, for the broader submission that every investigative step must be supported by lawful authority. Registration of an FIR in Maharashtra, by itself, could not dispense with the statutory conditions governing the exercise of police powers in another State.

20.11. Respondent Nos. 1 and 2, despite due service of notice, have chosen not to appear before this Court and remain unrepresented. Their absence is particularly disconcerting in the facts of the present case. It is these very respondents who issued notices requiring persons carrying on business and residing in the State of Karnataka to appear before them in Maharashtra. Yet, when called upon to answer the proceedings before this Court, they have failed to appear despite service of notice. Such conduct is difficult to appreciate and is certainly not what is expected of police officers exercising

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
Verified

statutory powers, who are duty-bound to act within the bounds of law and to assist the Court in examining the legality of their actions.

20.12. Respondent No. 3 was represented by Sri Mohammed Jaffar Shah, learned Additional Government Advocate (learned AGA). On the interpretation of the statutory provisions, learned AGA submitted that the provisions were as contended by learned counsel for the petitioners.

20.13. Learned AGA's other submissions concerned respondent No. 3's knowledge of the actions of respondent No. 2 and Standing Order No. 576 dated 12.02.1962.

20.14. The question is whether respondent No. 2 could, by issuing notices under Section 179 BNSS, compel the petitioners to appear at Vadgaon Police Station when the petitioners (all except Petitioner No.3 in WP 31320) were conducting their business and having their residence at Tumkur, Karnataka, petitioner No.3 residing in Bangalore, Karnataka.

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
Verified

20.15. The material facts are as follows. Crime No. 446/2025 was registered at Vadgaon Police Station on 20.08.2025 on the basis of a constable's complaint against unknown persons. The petitioners are not named in the FIR. On 21.08.2025, five to six police personnel from Vadgaon Police Station visited the premises of petitioner No. 1 at Tumkur. Notices dated the same day required the partners to appear at Vadgaon, but their statements were recorded at Tumkur.

20.16. Respondents No. 1 and 2 were served but did not appear. Their absence does not, by itself, establish the petitioners' case. However, the petitioners' account of the visit, the notices and the place where their statements were recorded has not been controverted.

20.17. Section 179 BNSS, which corresponds to Section 160 CrPC, provides:

> ***"179. Police officer's power to require attendance of witnesses****.—(1) Any police officer making an investigation under this Chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be*

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
Verified

acquainted with the facts and circumstances of the case; and such person shall attend as so required:
Provided that no male person under the age of fifteen years or above the age of sixty years or a woman or a mentally or physically disabled person or a person with acute illness shall be required to attend at any place other than the place in which such person resides:
Provided further that if such person is willing to attend at the police station, such person may be permitted so to do.
(2) The State Government may, by rules made in this behalf, provide for the payment by the police officer of the reasonable expenses of every person, attending under sub-section (1) at any place other than his residence."

20.18. The main clause permits an investigating police officer to require, by written order, the attendance of a person who appears to know the facts of the case. The power is expressly limited to a person *"being within the limits of his own or any adjoining station".* The provisos regulate where certain persons may be required to attend and provide for attendance at the police station where the person is willing. They do not remove the territorial restriction in the main clause.

20.19. The BNSS defines "police station" in Section 2(1)(u) as follows:

*"(u) '**police station'** means any post or place declared generally or specially by the State*

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SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
Verified

> *Government, to be a police station, and includes any local area specified by the State Government in this behalf;"*

20.20. The territorial limits of a police station are, therefore, determined by the applicable declaration or notification of the State Government. In the ordinary case, a police station is "adjoining" another when their territorial limits share a common boundary. In ***Devagupthapu Hara Venkata Surya Satynarayana Murthy*** (paragraph 14), the Hon'ble High Court of Andhra Pradesh described adjoining stations as those *"adjacent to it and abutting it with common boundary"*.

20.21. The words *"being within the limits of his own or any adjoining station"* must be given effect. In ***Pusma Investment (P) Ltd.*** (paragraph 5), the Hon'ble High Court of Gauhati held:

> *"Such police officer making the investigation can enforce the attendance of a person acquainted with the facts and circumstances only if the latter resides within the limits of his own police station or adjoining station."*

20.22. The Hon'ble High Court of Gauhati also observed:

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
Verified

> *"The Legislature is deemed not to waste its words or to say anything in vain and a construction which attributes redundancy to the Legislature will not be accepted except for compelling reasons."*

20.23. The statutory territorial qualification cannot be treated as surplusage. If the provision were intended to empower an officer to compel attendance from anywhere, there would have been no need to specify the officer's own or an adjoining station.

20.24. The same interpretation was adopted by the Hon'ble High Court of Delhi in ***Directorate of Enforcement v. State of West Bengal*** [(2021) SCC Online Del 5603], (paragraph 27), which observed:

> *"The clear departure of the Legislature and the use of the terms 'within the limits of his own or any adjoining station' points towards a legislative intention to limit the jurisdiction in this regard."*

20.25. The Hon'ble High Court of Delhi further observed that, had a country-wide or State-wide power been intended, the legislature could have used words such as "anywhere in the country" or "anywhere within the State".

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
Verified

20.26. The BNSS contains express provisions dealing with particular powers exercisable beyond ordinary territorial limits. For example, Section 45 addresses pursuit into any place in India in the circumstances specified there, while Section 186 provides for searches within the limits of another police station. Section 179 contains no comparable language authorising an investigating officer to compel attendance from anywhere in India.

20.27. In ***Ravinder Singh*** (paragraph 2), the Hon'ble High Court of Delhi observed:

> *"The Section does not need help of dictionaries or other judgments for understanding its meaning when there is no ambiguity and it is so clearly written either within his own police station or in the adjoining police station."*

20.28. In ***Kulvinder Singh Kohli*** (paragraph 22), the Court stated that *"[t]he extent of this power is, however, limited by the bounds of jurisdiction",* and at paragraph 32 held that the provision clearly prescribes territorial limits. In ***Krishan Bans Bhadur*** (paragraph 4), the Hon'ble High Court of Himachal Pradesh held that, where the persons concerned were outside the limits of

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
Verified

the issuing police station and any adjoining station, the order was "*Exfacie … without jurisdiction*".

20.29. These decisions support the conclusion that the territorial words in Section 160 CrPC impose a substantive restriction on the power to compel attendance.

20.30. Section 179 BNSS retains the material territorial words of Section 160 CrPC. Although the provisos have been modified, the main clause continues to confine the power to a person within the limits of the officer's own or an adjoining station. The decisions interpreting Section 160 CrPC therefore remain relevant to that aspect of Section 179 BNSS.

20.31. In ***V.D. Moorthy***, which considered Section 179 BNSS itself, the Hon'ble High Court of Andhra Pradesh held: *"Section 179(1) of BNSS is not empowering the Police Officer with unlimited jurisdiction to issue such notice to any person, who is residing far away"* (paragraph 15). It further held: *"In the present case, the notice issued under Section 179 of BNSS is without jurisdiction."* (paragraph 18)

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
Verified

and the Police Officer *"has no power to issue notice under Section 179(1) of BNSS to any person who is not residing within the limits of his own station or any adjoining station*." (paragraph 20(5)).

20.32. This Court respectfully agrees that Section 179 does not confer unlimited territorial power.

20.33. The second proviso to Section 179 does not enlarge the class of persons whose attendance may be required. As explained in ***V.D. Moorthy*** (paragraph 17), willingness to attend does not cure the absence of jurisdiction to issue the notice in the first place. The provisos regulate the exercise of an existing power; they do not extend that power beyond the limits stated in the main clause. No material before this Court shows that the petitioners voluntarily agreed to attend at Vadgaon; in fact, by filing the present petition, they have categorically asserted that they are not willing to.

20.34. A distinction must, however, be maintained between the territorial language of the main clause and the reference to residence in the first proviso. The main clause uses the

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
Verified

expression "*being within the limits of his own or any adjoining station";* it does not expressly state that residence is the sole test. The first proviso uses the distinct expression *"the place in which such person resides".* The cited decisions often discuss residence because that was the relevant fact in those cases.

20.35. Here, the record establishes that the petitioners' business premises are at Tumkur and that the partners were present there when the Maharashtra police visited. The partners also reside in Tumkur and do not reside within the limits of Vadgaon Police Station or an adjoining station.

20.36. It is unnecessary to decide, in this case, every question that may arise from the expression *"being within the limits".* On the facts established, the material shows that the petitioners do not fall within the territorial limits prescribed by Section 179.

20.37. Judicial notice can be taken of the fact that Tumkur does not fall within an adjoining police station. Learned counsel submitted that several districts of Karnataka lie between Kolhapur and

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
Verified

Tumkur. The petitioners' premises are in Karnataka, while Vadgaon Police Station is in Maharashtra. The petitioners, therefore, cannot be treated as being within the limits of Vadgaon Police Station or an adjoining station.

20.38. The decision in ***Devagupthapu Hara Venkata Surya Satynarayana Murthy*** does not support a different conclusion. At paragraph 14, the Hon'ble High Court of Andhra Pradesh observed that the position concerning ordinary police stations was well settled. The Court then considered a special situation in which the crime had been registered at a CID Police Station declared to have jurisdiction throughout the State, while the corresponding CID Police Station in the neighbouring State was similarly declared to have State-wide jurisdiction. In that setting, the Court held that the two stations could be treated as adjoining because the States shared a boundary (paragraphs 15 and 17 to 19).

20.39. The Hon'ble High Court of Andhra Pradesh also explained that the other decisions relied on before it were distinguishable because the

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
Verified

persons concerned were outside the issuing and adjoining stations, whereas the persons before it fell within the relevant territorial arrangement (paragraph 27). In the present case, respondent No. 2 is attached to an ordinary police station in Kolhapur District. No material shows that Vadgaon Police Station has State-wide jurisdiction even if it were to be so the territorial limits of a police station covering the petitioners' premises do not touch those of Vadgaon Police Station.

20.40. Learned counsel also relied on **Anant Brahmachari.** At paragraph 12, the Hon'ble High Court of Delhi explained that the National Investigation Agency had country-wide jurisdiction under Section 3 of the National Investigation Agency Act, 2008, a special enactment. That reasoning does not confer similar powers on an ordinary State police officer. Respondent No. 2 is not an officer of the National Investigation Agency, and no special statutory provision has been shown to give Vadgaon Police Station country-wide jurisdiction in the present case.

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
Verified

20.41. Though only paragraph 12 of ***Anant Brahmachari*** has been referred to, this Court is of the considered opinion that paragraphs 13 and 14 are also relevant for consideration, they are reproduced hereunder for easy reference:

> *13. No doubt, different High Courts have taken different views that Police Officer by an order in writing can require the attendance before himself of any person within the limits of his own or adjoining station, who appears to be acquainted with the facts and circumstances of the case. When a Police officer is investigating an offence, he has to investigate all the facets thereof. The power of investigation cannot be fettered by directing a Police officer to be able to call only persons acquainted with the facts of the case who resides either under the jurisdiction of the Police station or adjoining thereto. Further, there can be no limit prescribed to an adjoining station. Section 160(1) Cr. P.C. does not restrict the power of a Police Officer to examine only a person who is residing within the limits of such Police Station or adjoining Police Station. The qualifying words are 'summons to a person who appears to be acquainted with the facts of the case'. The purpose of investigation is to collect material evidence. The same cannot be restricted by limiting the scope of Section 160(1) Cr. P.C. to persons who are residing within the limits of the said Police station or adjoining Police Station. The contention of the Petitioner is also fallacious on the count that in a case where statements of number of witnesses or persons are required to be recorded who reside within jurisdictions of different Police Stations and are required to be confronted with each other to find out the true facts, the same would not be possible if they cannot be called to a Police Station*

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
Verified

beyond the jurisdiction in which they live or adjoining police station.

14. Even on facts, in the present case admittedly the first notice was issued at Mumbai to appear at Panchkula on 5th January, 2011. However, on speaking to the Petitioner on phone it was found that the Petitioner was in Delhi and thus subject to his convenience the investigation was conducted at Delhi. Even as per the Petitioner from 3rd to 6th January, 2011 he was admittedly in Delhi. Further though the Petitioner has stated that he ordinarily resides at Dandi Aashram, Uttarkashi, Uttarkhand, but this fact is disputed by the Respondents. According to Respondents, the Petitioner is a resident of Lucknow as per the address available in the subscriber detail report of his mobile number 9021738177, however, no notice could be served on the Petitioner at Lucknow as he was not found there. Since Petitioner was traced at Mumbai, a notice under Section 160 Cr. P.C. was sent by ASP, NIA on 30th December, 2010 for being served upon the Petitioner at Mumbai through ACP, ATS, Mumbai. On 3rd January, 2010, the Petitioner was contacted over his cell phone to ascertain his location when he informed that he was at Delhi. Since the entire NIA team which was camping at Panchkula (Haryana) was going to Gujarat for investigation, the Petitioner was requested if he could come to the Headquarters of Respondent No. 2, located at New Delhi. ***The Petitioner accepted the request again without any protest and it was with his concurrence that the questioning was advanced to 4th January, 2011 at the Headquarter of Respondent No. 2 at New Delhi. This arrangement was made keeping the interest of the Petitioner in mind. It was convenient for the Petitioner as it saved him from travelling all the way to Panchkula (Haryana), which was about 250 Km from Delhi.*** *The Respondent No. 2 did not threaten the*

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
Verified

> *Petitioner at any point during the telephonic conversation, as alleged by him. It is the admitted case of the Petitioner that he is a monk and he keeps travelling throughout the country. Thus, I find no merit in the contention that the Petitioner was served by a notice beyond the jurisdiction of a Police Station of the officer in-charge of the investigating team and thus no notice under Section 160 Cr. P.C. could be given to the Petitioner to join investigation at Delhi.*

20.42. Paragraph 13 of ***Anant Brahmachari*** requires separate consideration. The learned Single Judge observed that different High Courts had taken different views and expressed the opinion that Section 160(1) CrPC did not restrict a police officer's power to examine a person to those residing within the limits of the issuing or adjoining police station. Although this passage was not relied on by the respondents, it must be considered because it is part of a decision cited by the petitioners themselves.

20.43. This Court is unable to adopt that broader interpretation. First, it does not give sufficient effect to the express words *"being within the limits of his own or any adjoining station".* The practical needs of an investigation cannot displace a territorial restriction imposed by the statute. Secondly, the decision discussed the

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30/10/2026, 17:11, Bengaluru)
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special statutory framework governing the National Investigation Agency and recorded that the person concerned had agreed to be examined at Delhi without protest (paragraphs 12 and 14). Those circumstances differ from the present case.

20.44. Thirdly, later decisions of the Hon'ble High Court of Delhi have applied the territorial restriction. In ***Directorate of Enforcement*** (paragraph 27), the Hon'ble High Court of Delhi distinguished ***Anant Brahmachari*** on the ground that it concerned the special statutory framework of the National Investigation Agency Act, 2008. ***Kulvinder Singh Kohli*** (paragraph 32) and ***Jamshed Adil Khan*** (paragraph 10) also applied the territorial jurisdiction limitation.

20.45. The later decisions cited above, including ***Directorate of Enforcement*** (2021), ***Kulvinder Singh Kohli*** (2022), ***Jamshed Adil Khan*** (2022) and ***V.D. Moorthy*** (2025)- support the view that the territorial words impose a real limit. This Court therefore prefers the interpretation that gives effect to the statutory text and treats the broader

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30/10/2026, 17:11, Bengaluru)
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observation in paragraph 13 of ***Anant Brahmachari*** as arising in its particular context.

20.46. In ***Kulvinder Singh Kohli***, the Hon'ble High Court of Delhi gave two reasons for setting aside the summons: first, the absence of a registered FIR, observing that *"[w]ithout registration of FIR, an investigation cannot be said to have been initiated"* (paragraph 29); and secondly, the territorial restriction in Section 160 CrPC (paragraphs 31 to 34).

20.47. The first reason does not arise here because Crime No. 446/2025 was registered on 20.08.2025, before the notices dated 21.08.2025 were issued. The present finding rests on the territorial restriction alone, including the observation in ***Kulvinder Singh Kohli*** that *"[t]he bar of jurisdiction under Section 160 CrPC is indisputably applicable"* where the relevant addresses fall beyond the limits of the police station concerned (paragraph 33).

20.48. Learned counsel also relied on ***Dharampal Satyapal Ltd. v. State of Maharashtra*** [2022

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30/10/2026, 17:11, Bengaluru)
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SCC OnLine Fau 943], for the principle that each investigative step must be supported by lawful authority. The Hon'ble High Court of Gauhati criticised the officer in that case for having "*also failed to brought on record as to how he assumed jurisdiction to seize the articles from the premises of the petitioner*" (paragraph 18).

20.49. The decision supports the general requirement that an officer must identify the legal authority for the action taken. However, it does not directly interpret Section 160 CrPC or Section 179 BNSS and does not independently determine the territorial question before this Court. Here, the authority relied on to compel the petitioners' attendance at Vadgaon is Section 179 BNSS, and that provision does not authorise the notices on the facts established. The other investigative steps are considered under Point No. (ii).

20.50. The petitioners also relied on the constitutional distribution of legislative powers. Police falls within Entry 2 of List II, while criminal law and criminal procedure fall within Entries 1 and 2 of

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30/10/2026, 17:11, Bengaluru)
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List III. Entry 80 of List I concerns the extension of the powers and jurisdiction of a police force belonging to one State to areas outside that State, subject to the constitutional conditions stated therein.

20.51. In ***State of West Bengal v. Committee for Protection of Democratic Rights***, [(2010) 3 SCC 571], a Constitution Bench of the Hon'ble Supreme Court observed at paragraph 30:

> *"From a bare reading of the aforenoted constitutional provisions, it is manifest that by virtue of these entries, the legislative power of the Union to provide for the regular police force of one State to exercise power and jurisdiction in any area outside the State can only be exercised with the consent of the Government of that particular State in which such area is situated, except the police force belonging to any State to exercise power and jurisdiction to railway areas outside that State."*

20.52. The decision explains the constitutional limits relevant to extending the jurisdiction of one State's police into another State. It does not, by itself, determine the interpretation of Section 179 BNSS, which must be read according to its own language.

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30/10/2026, 17:11, Bengaluru)
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20.53. In ***Bhavesh Jayanti Lakhani v. State of Maharashtra***, [(2009) 9 SCC 551], paragraph 95, the Hon'ble Supreme Court observed:

> *"The police power of the State in respect of any offence committed in a State comes within the legislative competence of the State."*

20.54. The Court also observed that the State's jurisdiction over an investigation is limited. Although that case arose in the context of the Extradition Act, 1962 and an Interpol notice, the observations are relevant to the general question of the territorial limits of State police powers.

20.55. Neither ***Bhavesh Jayanti Lakhani*** nor ***Committee for Protection of Democratic Rights*** directly interprets Section 179 BNSS. The conclusion on this Point rests on the text of Section 179 and the authorities interpreting the corresponding provision in Section 160 CrPC. The constitutional principles provide additional context; they do not replace the statutory analysis.

20.56. Learned AGA submitted that the statutory provisions were as contended by learned

Digitally Signed By:
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30/10/2026, 17:11, Bengaluru)
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counsel for the petitioners. That submission is relevant to the respondents' position, but a concession on the interpretation of a statute cannot determine the legal question. This Court has independently considered the statutory language and the cited decisions and has reached its conclusion on that basis.

20.57. The finding on this Point is limited. The FIR itself is not challenged, and no finding is called for on the merits of the allegations or on the applicability of the Food Safety and Standards Act, 2006, or the Bharatiya Nyaya Sanhita, 2023. Nor is it necessary to decide whether the petitioners are witnesses or fall into any other category, as that question was not argued.

20.58. The issue is whether respondent No. 2 could require the petitioners to appear at Vadgaon by issuing notices under Section 179 BNSS. For the reasons set out above, the statutory territorial condition was not satisfied.

20.59. This Court answers Point No. (i) in favour of the petitioners. The petitioners, carrying on their business in Tumkur and residing in Tumkur, are not within the limits of Vadgaon Police Station

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30/10/2026, 17:11, Bengaluru)
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or an adjoining police station. Section 179(1) BNSS does not authorise an investigating officer to compel attendance by written notice from a person outside those territorial limits. Accordingly, the notices dated 21.08.2025, insofar as they required the petitioners to appear at Vadgaon Police Station under Section 179 BNSS, were issued without authority under that provision.

21. **<u>Answer to Point No. (ii):</u> Whether the visit by the Maharashtra police to the petitioners' business premises at Tumkur, Karnataka, and the investigative steps undertaken therein, including the alleged search and recording of statements, without informing or involving the jurisdictional police in Karnataka, were in accordance with the applicable statutory provisions and procedural safeguards governing inter-State police operations?**

21.1. Sri Gautam S. Bharadwaj, learned counsel for the petitioners in both petitions, submits that the Maharashtra police could not enter the petitioners' business premises in Karnataka and undertake investigative steps without informing or involving the jurisdictional police. He submits that, although the petitioners cooperated with

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30/10/2026, 17:11, Bengaluru)
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the investigating officers, respondent No. 2 repeatedly contacted and visited their premises, inspected their books of account and obtained copies of their ledger books. The officers did not prepare a search list or seizure memo, nor have they produced any record of the reasons for conducting a search. The petitioners contend that the books were shown and produced under pressure and that the copies of the ledger books were taken without following the procedure prescribed by law.

21.2. On the constitutional position, Sri Gautam S. Bharadwaj, learned counsel, relies on Entries 1 and 2 of List III, Entry 2 of List II and Entry 80 of List I of the Seventh Schedule to the Constitution of India. He also relies on ***Bhavesh Jayanti Lakhani v. State of Maharashtra,*** [(2009) 9 SCC 551], paragraph 95, and ***State of West Bengal v. Committee for Protection of Democratic Rights***, [(2010) 3 SCC 571], paragraph 30.

21.3. He submits that the police of one State cannot exercise their powers in another State as though they possess unrestricted territorial

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30/10/2026, 17:11, Bengaluru)
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jurisdiction. Inter-State investigation is not prohibited altogether, but must be undertaken with the consent of the State concerned or in cooperation with its police, subject to the applicable law.

21.4. On the search, learned counsel relies on Section 186 of the BNSS, corresponding to Section 166 of the CrPC. He submits that the investigating officer may ordinarily request the officer in charge of the other police station to conduct the search. A direct search in the jurisdiction of another police station is permitted only in the circumstances specified in the provision, including where delay may result in evidence being concealed or destroyed, and is subject to the prescribed safeguards.

21.5. The vehicle was intercepted on 19.08.2025, whereas the Maharashtra police visited Tumkur on 21.08.2025. According to learned counsel, sufficient time was available to seek the assistance of the Karnataka police, and no urgency has been demonstrated. He relies on ***Ronny alias Ronald James Alwaris v. State of Maharashtra,*** [(1998) 3 SCC 625],

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30/10/2026, 17:11, Bengaluru)
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paragraph 29, concerning the procedure and the duty to notify the local police and the nearest competent Magistrate following a search under the corresponding provision.

21.6. Learned counsel also relies on Section 45 BNSS, corresponding to Section 48 CrPC, which expressly permits a police officer, for the purpose of arresting without warrant a person whom the officer is authorised to arrest, to pursue that person into any place in India. He refers to Sections 57 to 60 BNSS, which prescribe safeguards relating to the production, detention, reporting and discharge of arrested persons. He submits that the express provision for pursuit throughout India cannot be treated as conferring an unrestricted power to exercise every investigative function anywhere in the country. Each statutory power must be exercised within the conditions prescribed for it.

21.7. Learned counsel further relies on ***Sandeep Kumar v. State (Govt. of NCT of Delhi)***, [2019 SCC OnLine Del 11901], paragraphs 15 and 16, in which the Hon'ble High Court of Delhi considered a protocol for inter-State

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30/10/2026, 17:11, Bengaluru)
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arrests. He refers to the recommendations concerning approval by superior officers, recording departure entries, contacting and seeking assistance from the local police, conducting searches in accordance with law, and recording the relevant proceedings. The protocol also recommends that, where urgency prevents prior intimation, the local police should be informed soon after the operation and an entry should be made at the jurisdictional police station.

21.8. Reliance is also placed on ***Dharampal Satyapal Ltd. v. State of Maharashtra***, [2022 SCC OnLine Gau 943], paragraphs 5, 15 and 18 to 22, for the proposition that a police officer acting outside the State in which the case is registered must establish the legal authority for the action undertaken and comply with the applicable safeguards. Learned counsel submits that the decision to require the partners to appear at Vadgaon, followed by the visit to Tumkur, inspection of the premises and taking of the ledger books without explaining the legal basis for those actions, demonstrates

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SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
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that the procedure adopted was unlawful and interfered with the petitioners' lawful business.

21.9. Respondent Nos. 1 and 2, despite service of notice, have not appeared and have made no submissions. They have not produced any record to establish that the Karnataka police were contacted, that assistance was sought from them, or that the statutory procedure governing a search outside the officers' ordinary territorial jurisdiction was followed.

21.10. Sri Mohammed Jaffar Shah, learned Additional Government Advocate appearing for respondent No. 3, was requested to obtain instructions as to whether the Vadgaon police had sought the consent, concurrence or assistance of the jurisdictional police in Karnataka. On instructions, he submitted that respondent No. 2 had not contacted respondent No. 3 and had undertaken the visit, the search, if any, and the issuance of notices on its own. Respondent No. 3 had not been informed of the action before, during or after the visit. The learned Additional Government Advocate submitted that

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SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
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respondent No. 3 would abide by the orders of this Court.

21.11. This Point concerns the visit to the petitioners' business premises at Tumkur, the search and inspection of the premises and business records, the taking of ledger books or copies thereof, the recording of the partners' statements, and the failure to inform or involve the jurisdictional police in Karnataka. The validity of the notices under Section 179 BNSS has been considered under Point No. (i), and need not be reconsidered here.

21.12. Certain material facts are established. On 21.08.2025, a team of five to six police personnel from Vadgaon Police Station, Maharashtra, visited the business premises of petitioner No. 1 at Tumkur in connection with Crime No. 446/2025. The statements of the partners were recorded at Tumkur. The jurisdictional police in Karnataka were not contacted before the visit, were not present during it and were not informed afterwards. This is confirmed by the submission made on instructions by the learned Additional

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30/10/2026, 17:11, Bengaluru)
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Government Advocate appearing for respondent No. 3. Respondent Nos. 1 and 2 have not appeared, and no contrary material has been placed before this Court. The Court accepts the submission of the learned Additional Government Advocate and therefore proceeds on the basis that the Karnataka police were not informed at any stage.

21.13. The petitioners specifically allege that the Maharashtra police entered and examined their business premises, inspected their books of account and took copies of their ledger books without preparing a seizure memo. They further state that the books were shown or produced under pressure and not voluntarily. These allegations are material because the legality of the action depends on its true nature. A voluntary production of documents in response to a lawful request is different from an inspection or search conducted by police officers, particularly where documents are taken without the consent of the person concerned.

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30/10/2026, 17:11, Bengaluru)
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21.14. Respondent Nos. 1 and 2 are the authorities alleged to have undertaken these actions. The relevant official records, including any search record, seizure memo, case-diary entry recording the grounds for a search and communication to the jurisdictional police, would ordinarily be available to them. Despite service of notice, they have neither appeared to answer the allegations nor produced those records. The learned Additional Government Advocate, on instructions from respondent No. 3, has confirmed that the Karnataka police were not informed before, during or after the visit.

21.15. This Court does not treat the absence of respondent Nos. 1 and 2, by itself, as proof of every allegation. However, the petitioners' specific allegations must be considered along with the admitted absence of inter-State coordination and the failure to produce the records that would ordinarily establish compliance with the statutory procedure. In these circumstances, the petitioners' account of the inspection and taking of their ledger books remains unrebutted. The Court proceeds on

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SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
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that basis for deciding the legality of the impugned action.

21.16. The constitutional provisions and decisions relied on by learned counsel must be considered in their proper context. Police is a subject in the State List under the Seventh Schedule to the Constitution of India. The exercise of police powers across State boundaries must therefore respect the constitutional distribution of responsibilities and the territorial jurisdiction of the police authorities concerned. This does not mean that every investigative step taken by the police of one State in another State is prohibited. It means that the power invoked, the nature of the proposed action and the statutory procedure applicable to it must be identified and followed.

21.17. In ***State of West Bengal v. Committee for Protection of Democratic Rights,*** [(2010) 3 SCC 571], paragraph 30, the Constitution Bench observed, in the context of an investigation by the Central Bureau of Investigation under the governing statutory

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SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
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framework, that a police force of one State could exercise power and jurisdiction outside that State:

> *"only … with the consent of the Government of that particular State in which such area is situated".*

21.18. In ***Bhavesh Jayanti Lakhani v. State of Maharashtra***, [(2009) 9 SCC 551], paragraph 95, the Hon'ble Supreme Court observed that where an investigation by one State concerns matters touching another State, the investigating agency:

> *"may have to proceed with the consent of the State concerned or must work with the police of the other State."*

21.19. These observations underline the importance of respecting the jurisdiction of the State concerned and working with its police where the applicable legal framework so requires. They should not, however, be read as laying down that formal consent of the State Government is invariably necessary for every act of investigation undertaken across a State boundary.

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30/10/2026, 17:11, Bengaluru)
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21.20. The need for inter-State coordination is also practical and substantive. The jurisdictional police may possess information about the persons, premises or records involved, or may already be investigating another matter concerning the same persons or evidence. That other matter may involve different or more serious allegations. Uncoordinated action may lead to overlapping investigations, conflicting steps, loss or disturbance of evidence, or prejudice to an ongoing investigation. Communication with the local police enables the authorities to exchange relevant information, avoid unnecessary conflict and ensure that the operation is properly recorded. Where the applicable law requires consent, concurrence or prior or subsequent intimation, that requirement must be met. Central agencies may exercise inter-State powers where the Constitution or a Parliamentary enactment authorises them to do so and the applicable conditions are satisfied; that does not confer a general or equivalent authority on State police to disregard the legal safeguards governing their own investigative acts.

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SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
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21.21. The Court must nevertheless distinguish between a visit to a person for oral examination and a search of premises or the taking of documents. The former is governed by the provisions relating to examination of persons, whereas a search must satisfy the specific statutory conditions and safeguards governing that power. The legality of each action is therefore considered separately below.

Statutory safeguards governing a search

21.22. Section 185 BNSS, corresponding to Section 165 CrPC, deals with searches conducted by police officers. The relevant portion reads:

> *"**185. Search by police officer.** (1) Whenever an officer in charge of a police station or a police officer making an investigation has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence which he is authorised to investigate may be found in any place within the limits of the police station of which he is in charge, or to which he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of his belief in the case-diary and specifying in such writing, so far as possible, the thing for which search is to be made, search, or cause search to be made, for such thing in any place within the limits of such station. …*

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SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
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(5) Copies of any record made under sub-section (1) or sub-section (3) shall forthwith, but not later than forty-eight hours, be sent to the nearest Magistrate empowered to take cognizance of the offence, and the owner or occupier of the place searched shall, on application, be furnished, free of cost, with a copy of the same by the Magistrate."

21.23. Section 185 permits a police officer to conduct a search within the limits specified in the provision, subject to the statutory conditions, including the requirement to record the grounds for the search in writing. Where the place to be searched lies within the limits of another police station, Section 186 BNSS prescribes the procedure to be followed which reads:

***"186. When officer in charge of police station may require another to issue search-warrant**.*
(1) An officer in charge of a police station or a police officer not being below the rank of sub-inspector making an investigation may require an officer in charge of another police station, whether in the same or a different district, to cause a search to be made in any place, in any case in which the former officer might cause such search to be made, within the limits of his own station.
(2) Such officer, on being so required, shall proceed according to the provisions of section 185, and shall forward the thing found, if any, to the officer at whose request the search was made.
(3) Whenever there is reason to believe that the delay occasioned by requiring an officer in charge of another police station to cause a search to be made under sub-section (1) might result in evidence of the commission of an offence being concealed or destroyed, it shall be lawful for an officer in charge

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SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
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of a police station or a police officer making any investigation under this Chapter to search, or cause to be searched, any place in the limits of another police station in accordance with the provisions of section 185, as if such place were within the limits of his own police station.

(4) Any officer conducting a search under sub-section (3) shall forthwith send notice of the search to the officer in charge of the police station within the limits of which such place is situate, and shall also send with such notice a copy of the list (if any) prepared under section 103, and shall also send to the nearest Magistrate empowered to take cognizance of the offence, copies of the records referred to in sub-sections (1) and (3) of section 185.

(5) The owner or occupier of the place searched shall, on application, be furnished free of cost with a copy of any record sent to the Magistrate under sub-section (4).”

21.24. Section 186 provides two routes for a search within the limits of another police station. Under sub-sections (1) and (2), the investigating officer may require the officer in charge of that police station to conduct the search in accordance with Section 185 and forward the material found.

21.25. Under sub-section (3), a direct search may be conducted where there is reason to believe that the delay involved in requesting the local police to conduct the search might result in evidence being concealed or destroyed.

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SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
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21.26. Even in such an urgent case, sub-section (4) requires the officer conducting the search to notify the officer in charge of the local police station forthwith and to send the prescribed records to the nearest Magistrate empowered to take cognizance of the offence. The obligation to notify the local police and transmit the records is a statutory safeguard. It is not merely a matter of courtesy or administrative convenience.

21.27. Although Section 186 refers to *"another police station, whether in the same or a different district"*, it does not expressly exclude a police station situated in another State. The provision forms part of a central enactment applicable throughout India and regulates searches outside the investigating officer's own police-station limits. It would be inconsistent with the purpose of the provision to require compliance when a search is conducted in another district of the same State, but to dispense with those safeguards when the search is conducted in another State. This Court therefore holds that Section 186 applies to a search conducted by a

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SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
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Maharashtra police officer within the limits of a police station in Karnataka.

21.28. In ***Ronny alias Ronald James Alwaris v. State of Maharashtra***, [(1998) 3 SCC 625], paragraph 29, the Hon'ble Supreme Court described the corresponding provision as:

> *"an enabling provision, which enables an officer in charge of a police station to require another to issue search warrant."*

21.29. The Hon'ble Supreme Court also explained the obligation arising under the corresponding sub-section (4):

> *"Sub-section (4) requires that after conducting the search as contemplated under sub-section (3), the officer shall forthwith send a notice to the officer in charge of the police station within the limits of such place and a copy of the list, if any, prepared under Section 100 to that police station and to the nearest magistrate empowered to take cognizance of the offence along with the copies of the record referred to in sub-sections (1) and (3) of Section 165."*

21.30. The Hon'ble Supreme Court found no breach on the evidence before it because the officer had stated that he had sent the relevant letter. It applied the presumption of regularity of official acts, observing: (paragraph 29)

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
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> ***"The witness stated that he has sent the letter to the*** *police station concerned, therefore, the presumption under Illustration (e) of Section 114 of the Evidence Act would arise and the official acts would be deemed to have been performed regularly."*

21.31. The decision confirms that sending the prescribed notice is a duty. The presumption of regularity applied in that case cannot assist respondent No. 2 here. No officer of respondent No. 2 has appeared to state that the required communication was sent. On the contrary, respondent No. 3 has stated on instructions that no information was received before, during or after the visit. There is, therefore, no evidentiary basis to presume that the required notice was given.

21.32. The petitioners submit that the interval between the interception of the vehicle on 19.08.2025 and the visit to Tumkur on 21.08.2025 gave respondent No. 2 sufficient time to seek the assistance of the Karnataka police. The interval does not, by itself, conclusively determine whether the urgency contemplated by Section 186(3) existed. That provision requires reason to believe that delay

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
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in obtaining the assistance of the local police might result in evidence being concealed or destroyed. Section 185(1), which applies to a search under Section 186(3), requires the grounds for the belief to be recorded in writing in the case diary.

21.33. Respondent No. 2 has produced neither the relevant case-diary entry nor any material explaining why a direct search was considered necessary. The Court cannot presume that the statutory conditions for a direct search existed when the officer invoking that power has placed no material to establish them. The Court also cannot overlook the admitted fact that respondent No. 2 did not seek assistance from the Karnataka police under Section 186(1).

21.34. In any event, even if the conditions for an urgent search under Section 186(3) were satisfied, the duty under sub-section (4) remained. The local police had to be informed forthwith, and the prescribed records had to be sent to the nearest competent Magistrate. Respondent No. 3's categorical statement that it was not informed at any stage is unrebutted.

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
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No record has been produced to show that the statutory notice or the prescribed records were sent to the local police or the competent Magistrate.

21.35. Accordingly, respondent No. 2 has failed to establish compliance with either route under Section 186. The ordinary procedure under sub-section (1) was not followed because the local police were not requested to conduct the search. Compliance with the requirements governing an urgent search under sub-sections (3) and (4) has also not been established.

21.36. In the present case, the petitioners have specifically stated that the officers entered and examined their business premises, inspected their books of account and took copies of their ledger books without preparing a seizure memo. They further state that the documents were produced under pressure and not voluntarily. These specific allegations have not been answered by respondent Nos. 1 and 2, who undertook the operation and would ordinarily be in possession of the relevant records.

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
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21.37. Having regard to the specific allegations, the admitted absence of communication with the Karnataka police and the failure to produce the records required to establish compliance with Sections 185 and 186 BNSS, this Court accepts the petitioners' case that the action involved an inspection and taking of their business records, rather than a mere voluntary production of documents. The action must therefore be examined as a search-related exercise of police power and cannot be sustained merely by describing it as an enquiry or inspection.

21.38. In ***Dharampal Satyapal Ltd. v. State of Maharashtra***, [2022 SCC OnLine Gau 943], an investigating officer from Maharashtra, investigating a case registered at Solapur, visited a factory in Guwahati with the local police and seized machinery and finished pan masala, besides sealing the gate. No search warrant or court order authorising those actions was produced (paragraphs 4, 5 and 10). The Hon'ble High Court of Gauhati in paragraph 18, held that the officer *"has acted of his own without any authorization"* and had *"failed to brought on record as to how he assumed*

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
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jurisdiction to seize the articles from the premises of the petitioner".

21.39. It further in paragraph 21 observed that the officer was:

> *"not bothered to apprise the court of the competent jurisdiction in Guwahati seeking permission for such search and seizure nor any intimation was forwarded, which has vitiated entire search and seizure and liable to be interfered into."*

21.40. The principle stated in ***Dharampal Satyapal Ltd.*** applies to the present case to the extent that a police officer undertaking coercive action in another State must establish the legal authority for that action and comply with the applicable safeguards. Although the facts of that case involved seizure of machinery and goods and sealing of premises, the underlying requirement of lawful authority and compliance with the prescribed procedure applies equally to a search and taking of business records. The observations in that decision concerning the Food Safety and Standards Act, 2006 (paragraphs 19 and 20) are not in issue here. Though the decision is of persuasive value, this

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
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Court respectfully agrees with the principle stated above.

21.41. The requirement to forward the prescribed search records to the nearest Magistrate empowered to take cognisance of the offence is also a substantive safeguard. It enables judicial oversight of the exercise of search powers and gives the owner or occupier the statutory right to obtain copies of the relevant records. Such safeguards cannot be treated as optional. Where documents are taken during an inter-State search, the investigating officer must follow the statutory procedure applicable to that search and cannot substitute an informal request or an unexplained act of taking documents for the procedure prescribed by law.

21.42. In the present case, respondent Nos. 1 and 2 have not established that the search-related action was conducted under a lawful procedure. No grounds recorded under Section 185 have been produced. No request to the Karnataka police under Section 186(1) has been shown. No case has been made out for invoking the urgent procedure under Section 186(3), and no

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SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
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notice or prescribed records under Section 186(4) have been produced. The admitted absence of communication with the jurisdictional police further confirms that the safeguards governing the operation were not followed.

21.43. This Court accordingly holds that the search-related action undertaken at the petitioners' premises at Tumkur, including the inspection and taking of their ledger books as alleged, was not shown to have been conducted in accordance with Sections 185 and 186 BNSS. The failure to establish compliance with these statutory requirements renders the impugned search-related action unsustainable in law. The conclusion is based on the specific, unrebutted allegations and the failure to produce the official records necessary to demonstrate compliance; it is not based solely on the absence of respondent Nos. 1 and 2 from these proceedings.

21.44. Insofar as the petitioners' ledger books or copies thereof were taken during the impugned operation, respondent Nos. 1 and 2 cannot

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30/10/2026, 17:11, Bengaluru)
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retain them merely on the basis of an action that has not been shown to comply with the law. The petitioners are entitled to appropriate relief in respect of the documents taken. The consequential directions concerning disclosure, accounting for and return of those documents shall be set out in the operative portion of the order.

Recording of statements at Tumkur

21.45. The recording of the partners' statements requires separate consideration. Section 180(1) BNSS provides:

> ***"180. Examination of witnesses by police.*** *(1) Any police officer making an investigation under this Chapter, or any police officer not below such rank as the State Government may, by general or special order, prescribe in this behalf, acting on the requisition of such officer, may examine orally any person supposed to be acquainted with the facts and circumstances of the case."*

21.46. The provision authorises an investigating officer to examine orally a person believed to be acquainted with the facts and circumstances of the case. It does not, in terms, require that the examination take place within the territorial limits of the officer's own police station.

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30/10/2026, 17:11, Bengaluru)
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However, the power to examine a person must be exercised in accordance with law and cannot be understood as conferring unrestricted authority to undertake every form of investigative action beyond the territorial limits of the police station concerned without intimation, concurrence or consent of the concerned Police Station.

21.47. In ***Ravinder Singh v. State,*** [2010 SCC OnLine Del 4783], paragraph 2, the Hon'ble High Court of Delhi, while quashing the notice in question, clarified that this:

> *"shall not prevent the concerned Investigating Officer from investigating the case himself, coming to Delhi and contacting the witnesses or the persons having information about the case".*

21.48. In ***V.D. Moorthy v. State of A.P.***, [2025 SCC OnLine AP 3099], paragraph 20(6), the Hon'ble High Court of Andhra Pradesh held that the relevant provision:

> *"does not preclude the Police Officer making an investigation to examine such person by approaching him at his place."*

21.49. The Court in paragraph 21 permitted the officer to examine the petitioner at his place:

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30/10/2026, 17:11, Bengaluru)
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> *"by giving prior information to the Petitioner according to governing rules and law".*

21.50. Similarly, ***Jamshed Adil Khan v. Union Territory of Jammu and Kashmir***, [2022 SCC OnLine Del 4870], paragraph 10, recognises that an investigating officer may approach a person at that person's place for examination. In ***Anant Brahmachari v. Union of India,*** [2012 SCC OnLine Del 1680], paragraph 14, the circumstances showed that examination in another city at the person's convenience was not objectionable where the person agreed to it.

21.51. These decisions recognise the distinction between unlawfully compelling attendance outside the permitted territorial limits and an investigating officer approaching a person at that person's place for examination, subject to the applicable law.

21.52. The present case cannot be considered as one involving merely the recording of statements. The petitioners contend that the Maharashtra police visited their business premises, recorded their statements, inspected their books of

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30/10/2026, 17:11, Bengaluru)
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account and took copies of their ledger books, all during the same operation and without informing or involving the jurisdictional police in Karnataka. The legality of the operation must, therefore, be examined in its entirety rather than by treating the recording of statements as an isolated act divorced from the other investigative steps undertaken at the premises.

21.53. The Maharashtra police were not entitled to disregard the territorial and procedural safeguards applicable to the exercise of their investigative powers merely because the visit to the petitioners' premises was undertaken for recording statements. The recording of statements, inspection of premises and examination or taking of business records formed part of the same inter-State investigative operation. The constitutional and statutory safeguards governing the exercise of police powers must be considered in the context of that operation as a whole. The investigating agency cannot divide the operation into separate acts and contend that, while a search or seizure requires compliance with the safeguards applicable to inter-State

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30/10/2026, 17:11, Bengaluru)
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police operations, the recording of statements during the very same operation is entirely exempt from those safeguards.

21.54. Section 180 BNSS empowers an investigating officer to examine orally a person believed to be acquainted with the facts and circumstances of the case. That power must be exercised consistently with the constitutional distribution of police powers, the applicable statutory provisions and the territorial limitations governing the exercise of investigative authority. The provision cannot be construed as conferring unrestricted authority to conduct an inter-State operation without the knowledge and cooperation of the police authorities within whose jurisdiction the operation is undertaken.

21.55. Sections 185 and 186 BNSS prescribe safeguards governing searches beyond the limits of the investigating officer's police station. Those safeguards must be read in the context of the broader requirement that inter-State police operations be conducted with due regard to the jurisdiction and responsibilities of the local police. The need for coordination does

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30/10/2026, 17:11, Bengaluru)
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not arise merely after a search has been completed. It arises before the operation is undertaken, so that the jurisdictional police may be informed of its purpose, provide relevant information and extend appropriate assistance. Where the applicable law requires consent or concurrence, that requirement must be satisfied. An investigating officer cannot bypass these safeguards by describing the operation, or a part of it, as the recording of statements.

21.56. As held supra in respect of Search, the jurisdictional police may be aware of other investigations concerning the persons or premises involved, may possess material relevant to the investigation, or may be dealing with another offence that could be prejudiced by an operation undertaken without their knowledge. Prior communication, cooperation and, where required, concurrence are therefore necessary to ensure that investigative powers are exercised lawfully and that one investigation does not prejudice another. These considerations apply to the inter-State operation as a whole, including the recording of

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30/10/2026, 17:11, Bengaluru)
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statements where it forms an integral part of that operation.

21.57. In the present case, the learned Additional Government Advocate, on instructions, has stated that the Karnataka police were not informed before, during or after the visit by the Maharashtra police. Respondent Nos. 1 and 2 have not appeared or placed any material before this Court to demonstrate that prior coordination was attempted, that the concurrence or assistance of the jurisdictional police was obtained, or that the applicable procedural safeguards were followed. The petitioners' statements were recorded during the same visit in which their business premises were inspected and their ledger books or copies thereof were taken. The recording of those statements cannot, in these circumstances, be severed from the manner in which the inter-State operation was conducted.

21.58. The Court is conscious that Section 180 BNSS permits an investigating officer to approach a person at that person's place for examination. However, that proposition does not answer the

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30/10/2026, 17:11, Bengaluru)
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distinct question whether the officer may undertake an inter-State operation involving the examination of persons, inspection of premises and taking of records without the coordination and procedural safeguards required in the circumstances. The power to examine a person cannot be employed to circumvent the constitutional and statutory limitations governing the operation of the police in another State.

21.59. The petitioners further contend that their statements were recorded under pressure and that their cooperation cannot be treated as voluntary consent to the inspection of their premises or the taking of their business records. This contention must be considered alongside the established absence of coordination with the Karnataka police and the failure of the respondents to demonstrate compliance with the applicable safeguards. Respondent Nos. 1 and 2, who undertook the operation and recorded the statements, have chosen not to appear despite service, to explain the circumstances in which the statements were obtained or to establish that

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30/10/2026, 17:11, Bengaluru)
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the operation was conducted in accordance with law.

21.60. In these circumstances, this Court holds that the recording of the petitioners' statements formed part of an inter-State investigative operation undertaken without the required coordination with the jurisdictional police and without establishing compliance with the applicable constitutional and statutory safeguards. The statements so recorded cannot be sustained as lawful products of that operation and shall not be relied upon by the respondents as statements lawfully recorded in the course of the impugned operation. The respondents cannot preserve the validity of the statements while disregarding the legal safeguards governing the very operation during which they were obtained.

21.61. Accordingly, this Court answers this aspect of the issue in favour of the petitioners. The recording of the petitioners' statements at Tumkur, as part of the impugned inter-State operation, is held to be unsustainable in law.

Failure to coordinate with the Karnataka police

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30/10/2026, 17:11, Bengaluru)
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21.62. The requirement of coordination between the police authorities of different States must be understood in the context of the constitutional scheme governing police powers. Police is a subject in the State List under the Seventh Schedule to the Constitution of India. The police of one State cannot treat the territory of another State as though it were within its unrestricted territorial jurisdiction. When officers of one State undertake an investigative operation in another State, they must respect the jurisdiction and responsibilities of the police authorities of the State in which the operation is undertaken and comply with the applicable constitutional and statutory safeguards.

21.63. This requirement is not confined to searches and seizures alone. An inter-State investigative operation may involve examining persons, recording statements, inspecting premises, collecting documents, conducting searches, effecting seizures or taking other investigative steps. These acts may be different in their immediate purpose and the statutory provisions governing them, but they may form part of one

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30/10/2026, 17:11, Bengaluru)
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investigative operation. The requirement of appropriate coordination must, therefore, be considered in relation to the operation as a whole and cannot be avoided by characterising one part of it as merely the recording of statements.

21.64. Sections 185 and 186 BNSS prescribe specific safeguards for searches, including searches undertaken beyond the limits of the investigating officer's police station. Section 186(4) expressly requires notice to the jurisdictional police where a search is conducted under Section 186(3), together with the transmission of the prescribed records to the nearest Magistrate empowered to take cognizance of the offence. These requirements are mandatory in the circumstances to which the provision applies.

21.65. The constitutional requirement of respect for inter-State police jurisdiction, however, is not exhausted by compliance with the procedure prescribed for searches. The need to coordinate with the jurisdictional police arises because they may possess information concerning the

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30/10/2026, 17:11, Bengaluru)
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persons, premises or records involved, or may already be investigating another offence concerning the same persons or material. An operation undertaken without their knowledge may prejudice another investigation, interfere with the preservation of evidence or result in conflicting investigative action.

21.66. There is yet another important aspect which merits serious consideration. In the present digital era, where instances of cyber fraud, impersonation, deepfakes and fraudulent digital arrests have become increasingly prevalent, the identification and authentication of police personnel undertaking operations beyond the territorial jurisdiction of their parent State assumes particular significance.

21.67. When police personnel belonging to one State enter another State for the purpose of investigation, search, inquiry, apprehension or any other official operation, their identity and authority may not be readily ascertainable to the local public. An ordinary citizen may have no effective or immediate means of verifying whether the persons claiming to be police

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30/10/2026, 17:11, Bengaluru)
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officials are, in fact, genuine law enforcement personnel acting in discharge of their official duties. This creates a legitimate possibility of confusion, apprehension and even confrontation, particularly in an environment where criminal elements frequently impersonate police officers to extort money, intimidate individuals or perpetrate fraud. Such situations may expose innocent citizens to serious harm and, at the same time, place genuine police personnel at risk of suspicion, resistance or allegations of misconduct.

21.68. The issue, therefore, is not merely one of administrative convenience or inter-State police protocol; it also concerns the protection of citizens against impersonation and unlawful interference with their liberty, dignity and property, while simultaneously safeguarding the credibility and reputation of the police establishment.

21.69. It would, accordingly, be appropriate that police personnel undertaking operations in a State other than their parent State ordinarily coordinate with and seek the assistance of the

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30/10/2026, 17:11, Bengaluru)
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jurisdictional police of that State, subject to applicable law and recognised exceptions in situations requiring urgent action. Such coordination would facilitate verification of the identity and official credentials of the visiting police personnel, enable the local police to remain apprised of the operation, provide reassurance to the citizens concerned and minimise the possibility of misunderstanding or untoward incidents.

21.70. Such a mechanism would serve the larger public interest by promoting transparency, accountability and mutual institutional cooperation between the police forces of different States. It would also ensure that the legitimate requirements of criminal investigation are balanced with the protection of individual rights and public confidence in the administration of law. Ultimately, the objective must be to ensure that the exercise of police powers, even when undertaken across State boundaries, remains identifiable, verifiable, accountable and consistent with the rule of law.

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30/10/2026, 17:11, Bengaluru)
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21.71. Accordingly, coordination with the jurisdictional police is required for an inter-State investigative operation involving searches, seizures, examination of persons, recording of statements or comparable investigative steps, in accordance with the applicable law. Where the governing constitutional or statutory framework requires consent or concurrence, that requirement must be satisfied.

21.72. The precise statutory requirements applicable to each act may differ, but the investigating agency cannot disregard the territorial jurisdiction of the State concerned merely because a particular step, considered in isolation, does not amount to a search or seizure.

21.73. In ***Bhavesh Jayanti Lakhani v. State of Maharashtra***, [(2009) 9 SCC 551], paragraph 95, the Hon'ble Supreme Court observed that an investigating agency dealing with a matter involving another State:

> *"may have to proceed with the consent of the State concerned or must work with the police of the other State."*

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30/10/2026, 17:11, Bengaluru)
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21.74. Similarly, in ***State of West Bengal v. Committee for Protection of Democratic Rights,*** [(2010) 3 SCC 571], paragraph 30, the Constitution Bench observed that a police force of one State could exercise power and jurisdiction outside that State:

> *"only … with the consent of the Government of that particular State in which such area is situated".*

21.75. These observations emphasise the constitutional significance of respecting the jurisdiction of the State concerned. They support the proposition that inter-State police action cannot be undertaken as though the investigating agency possessed unrestricted territorial authority. The nature of the investigative step and the applicable legal requirements must, of course, be considered, but the need for lawful inter-State coordination cannot be disregarded.

21.76. In the present case, respondent No. 3 has confirmed that the Karnataka police were not informed before, during or after the visit of the Maharashtra police to Tumkur. Respondent No. 2 has offered no explanation for that omission

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
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and has not produced any record to show that assistance was sought from the jurisdictional police or that the applicable statutory safeguards were followed.

21.77. The omission assumes particular significance because the visit was not confined to an attempt to contact or examine the petitioners. The petitioners' specific case is that the officers entered and inspected their business premises, examined their books of account, took copies of their ledger books and recorded their statements during the same operation. The respondents have failed to establish that the operation was undertaken in accordance with the applicable legal requirements. The admitted absence of communication with the Karnataka police, considered together with the failure to produce the relevant official records, demonstrates that the safeguards required for the impugned operation were not observed.

21.78. In ***Sandeep Kumar v. State (Govt. of NCT of Delhi)***, [2019 SCC OnLine Del 11901], paragraph 17, a Division Bench of the Hon'ble High Court of Delhi considered a protocol for

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30/10/2026, 17:11, Bengaluru)
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inter-State arrests prepared by a committee headed by a former Judge. The Court directed adoption of the protocol by the Commissioner of Police, Delhi, and the Director General of Police, Uttar Pradesh, within their respective jurisdictions. Although that direction does not, by itself, make the protocol a statutory provision binding on the Maharashtra police in the present case, the decision provides persuasive guidance on the safeguards necessary for orderly inter-State police operations.

21.79. The relevant recommendations can be found at paragraphs 15, items 5 and 6 which reads:

> *"Before visiting the other State, the police officer must endeavour to establish contact with the local Police Station in whose jurisdiction he is to conduct the investigation."*
> *"After reaching the destination, first of all, he should inform the concerned police station of the purpose of his visit to seek assistance and co-operation."*

21.80. Where urgency prevents prior intimation, the protocol recommends that, paragraph 16, which reads:

> *"this should be done soon after the search, seizure, arrest, etc. has been conducted."*

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
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> *"In all cases a diary entry should mandatorily be made in the police station of jurisdiction."*
> *"Extant instructions of various state forces such as Karnataka already include this provision of informing after the event."*

21.81. The record in that matter does not identify the particular Karnataka instruction referred to in that passage; it could, however, refer to Standing Order No. 576 dated 12.02.1962, which has been produced by the learned Additional Government Advocate. The Karnataka instructions would only bind the Karnataka police and not the Maharashtra police, it would therefore be required that each State formulate instructions in relation to inter-State investigative operations involving searches, seizures, examination of persons, recording of statements or comparable investigative steps, in accordance with the applicable law.

21.82. The recommendations in ***Sandeep Kumar*** emphasise the importance of contacting the jurisdictional police before an inter-State operation, informing them of the purpose of the visit and seeking their assistance and

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:11, Bengaluru)
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cooperation. Where urgency prevents prior intimation, the local police should be informed promptly afterwards, and the relevant proceedings should be recorded. Although the protocol is not treated as a statutory provision independently binding on respondent No. 2, it provides persuasive guidance on the practical safeguards necessary for accountable and orderly inter-State police operations. The guidelines in that matter are reproduced hereunder for easy reference only to underscore the importance of such inter-state police cooperation:

> *"15. The Committee has, after examining all of the above material in detail, given detailed suggestions as to the protocol to be followed by the police in the event of inter-state arrest. These read as under:*
>
> *"1. The police officer after assignment of the case to him, must seek prior permission/sanction of the higher/superior officers in writing or on phone (in case of urgency) to go out of State/UT to carry out investigation.*
>
> *2. In a case when the police officer decides to effect an arrest, he must set out the facts and record reasons in writing disclosing the satisfaction that arrest is necessary for the purpose of investigation. At first instance, he should move the Jurisdictional Magistrate to seek arrest/search warrants under Section 78 and 79 CrPC except in emergent cases when the time taken is likely to result in escape of the accused or disappearance of incriminating*

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30/10/2026, 17:11, Bengaluru)
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evidence or the procurement of arrest/search warrant would defeat the purpose. The police officer must record reasons as to what were the compelling reasons to visit other State without getting arrest/search warrants.

3. Before proceeding outside the State, the police officer must make a comprehensive departure entry in the Daily Diary of his Police Station. It should contain names of the police officials and private individuals accompanying him; vehicle number; purpose of visit; specific place(s) to be visited; time and date of departure.

4. If the possible arrestee is a female, a lady police officer be made part of the team. The police officers should take their identity cards with them. All police officers in the team should be in uniform; bear accurate, visible and clear identification and name tags with their designations.

5. Before visiting the other State, the police officer must endeavour to establish contact with the local Police Station in whose jurisdiction he is to conduct the investigation. He must carry with him the translated copies of the Complaint/FIR and other documents in the language of the State which he intends to visit.

6. After reaching the destination, first of all, he should inform the concerned police station of the purpose of his visit to seek assistance and co-operation. The concerned SHO should provide/render all legal assistance to him. Entry to this effect must be made at the said police station.

7. After reaching the spot of investigation, search, if any should be strictly conducted in compliance of the procedure laid down u/s 100 CrPC All endeavour should be made to join independent public witnesses from the neighbourhood. In case of arrest, the police officer must follow the procedure u/s 41A and 41B and Section 50 and 51 CrPC The process of arrest carried out by the police must be

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30/10/2026, 17:12, Bengaluru)
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in compliance with the guidelines given in DK Basu case (Supra) and the provisions of CrPC.

8. The arrested person must be given an opportunity to consult his lawyer before he is taken out of State

9. While returning, the police officer must visit the local police station and cause an entry made in the Daily Diary specifying the name and address of the person(s) being taken out of the State; articles if any, recovered. The victim's name be also indicated.

10. Endeavor should be made to obtain transit remand after producing the arrestee before the nearest Magistrate unless exigencies of the situation warrant otherwise and the person can be produced before the Magistrate having jurisdiction of the case without infringing the mandate of S. 56 and 57 of CrPC within 24 hours.

11. The Magistrate before whom the arrestee is produced, must apply his mind to the facts of the case and should not grant transit remand mechanically. He must satisfy himself that there exists material in the form of entries in the case diary that justifies the prayer for transit remand. The act of directing remand of an accused is fundamentally a judicial decision. The Magistrate does not act in executive capacity while ordering detention of the accused. He must ensure that requirements of S. 41 (l)(b) are satisfied. The police officer must send the case diary along with the remand report so that the Magistrate can appreciate the factual scenario and apply his mind whether there is a warrant for police remand or justification for judicial remand or there is no need for any remand at all. The Magistrate should briefly set out reasons for his decision. (Manubhai Ratilal Patel v. State of Gujarat, (2013) 1 SCC 314)

12. Another mandatory procedural requirement for the Magistrate considering a transit remand

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30/10/2026, 17:12, Bengaluru)
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application is spelt out in Article 22 (1) of Constitution of India. This entitles the person arrested to be informed as soon as may be the grounds of such arrest. The Magistrate has to ensure that the arrested person is not denied the right to consult and to be defended by a legal practitioner of his choice. The Magistrate should ask the person arrested brought before him whether in fact he has been informed of the grounds of arrest and whether he requires to consult and be defended by any legal practitioner of his choice. (DK Basu, Supra) After the pronouncement of this judgment by the Hon'ble Supreme Court, new Sections 41A to 41D have been added to prevent unnecessary arrest and misuse of powers. Denying a person of his liberty is a serious matter.

13. In terms of S. 41C, control rooms be established in every district. Names and addresses of the persons arrested and designation of the police officers who made the arrest be displayed. Control Room at State level must collect details of the persons so arrested

14. The police officer must record all the proceedings conducted by him at the spot and prepare an 'arrest memo' indicating time, date of arrest and name of the relation/friend to whom intimation of arrest has been given. It must reveal the reasons for arrest.

15. Since the arrestee is to be taken out of his State to a place away where he may not have any acquaintance, he may be permitted to take along with him (if possible), his family member/acquaintance to remain with him till he is produced before the jurisdictional Magistrate. Such family member would be able to arrange legal assistance for him.

16. The arrested person must be produced before the jurisdictional Magistrate at the earliest, in any case, not beyond 24 hours from the date of arrest excluding the journey time so that arrest of such

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SURAJ GOVINDA RAJ
30/10/2026, 17:12, Bengaluru)
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person and his detention, if necessary, may be justified by a judicial order. The 24 hours period prescribed u/s 57 CrPC is the outermost limit beyond which a person cannot be detained in police custody. It does not empower a police officer to keep a person in police station a minute longer than is necessary for the purpose of investigation and it does not give him an absolute right to keep a person till 24 hours.

17. On arrival at the police station, the police officer must make an arrival entry in the record and indicate the investigation carried out by him, the person arrested and the articles recovered. He should also inform his senior police officers/SHO concerned about it immediately. The superior police officer shall personally supervise such investigation.

18. The police officer should effect arrest u/s 41(l)(b) CrPC only when he has reasonable suspicion and credible information. He must satisfy himself about the existence of the material to effect arrest. There must be definite facts or averments as distinguished from vague surmises or personal feelings. The materials before him must be sufficient to cause a bona-fide belief. He cannot take shelter under another person's belief or judgment. He must affect arrest at his own risk and responsibility as the effect of illegal arrest could be commission of offence of wrongful confinement punishable u/s 342 IPC. Burden lies on the IO to satisfy the Court about his bona-fide. No arrest can be made because it is lawful for the police officer to do so. Denying a person of his liberty is a serious matter.

19. Medical examination soon after arrest to avoid possibility of physical torture during custody should be conducted.

20. The IO must maintain a complete and comprehensive case diary indicating the investigation carried out by him. The police officer must record all the proceedings conducted by him

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:12, Bengaluru)
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at the spot and prepare an 'arrest memo' indicating time, date of arrest and name of the relation/friend to whom intimation of arrest has been given. It must reveal the reasons for arrest.

21. The log book of the vehicle used for transportation must be maintained and signed. The IO must indicate whether the vehicle was official or a private one; name of its driver and how and by whom it was arranged. Only official vehicle should be used for transportation to the extent possible.

22. At the time of recovery of the prosecutrix, the police officer, if he is satisfied that she is adult, should ascertain from her at the spot, whether she was present there with her free will. If the victim/prosecutrix is not willing to accompany the police officer or her relatives, the police officer must not exert force on the prosecutrix to take her away against her wishes. However, if the prosecutrix/victim of her own accord expresses willingness to accompany the police officer/relatives, her consent in writing should be obtained at the spot.

23. In case where the police officer finds the victim/prosecutrix to be a 'minor', soon after recovery, she should be produced before the local Child Welfare Committee for further decision regarding her custody. She must not be made to stay in the Police Station during night hours.

24. Statement of the prosecutrix u/s 164 CrPC must be recorded at the earliest.

25. MHA/Central Govt/Commissioner of Police must frame suitable guidelines for police officers to render all suitable assistance. The failure to adhere to the rules/guidelines should render the police officer liable for departmental action as well as contempt of the Court.

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:12, Bengaluru)
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> *26. The Public Prosecutor should provide required assistance to the police officer visiting his State at the time of seeking transit remand.*
>
> *27. The MHA/State Government should circulate the Rules/Guidelines/Notifications, etc. from time to time to the police officers in the State to create awareness. Periodically training should be provided to the police officers to sensitize them.*
>
> *28. Instructions/Guidelines of similar nature should exist in all the States/UTs for speedy, smooth and effective inter-State investigation.*
>
> *29. The delinquent police officer can be directed to pay compensation under the public law and by way of strict liability."*

21.83. The principle of coordination is not confined to an arrest or a search. It is equally relevant where an investigating officer proposes to examine persons or record statements as part of an investigative operation in another State. The jurisdictional police must have an appropriate opportunity to be informed and to cooperate in accordance with law. Otherwise, the constitutional division of police jurisdiction would be reduced to a formality, capable of being circumvented by describing the action as an interview, examination or recording of statements.

21.84. None of these basic steps were taken in the present case. Respondent No. 2 did not contact

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30/10/2026, 17:12, Bengaluru)
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respondent No. 3 before the visit, did not inform the Tumkur police on arrival and did not inform them afterwards. No material has been produced to establish compliance with the statutory search procedure or to explain why the jurisdictional police were not involved. The omission must be considered in the context of the entire operation, which involved the recording of statements as well as the alleged inspection of the petitioners' premises and the taking of their business records.

21.85. This Court accordingly holds that the impugned operation was undertaken without the inter-State coordination required in the circumstances and without establishing compliance with the statutory safeguards applicable to the search-related action. The petitioners' challenge to the legality of the operation is well founded.

Sections 45 and 57 to 60 BNSS

21.86. The petitioners also rely on Section 45 BNSS and Sections 57 to 60 BNSS. Section 45 permits an officer, for the purpose of arresting

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SURAJ GOVINDA RAJ
30/10/2026, 17:12, Bengaluru)
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without warrant a person whom the officer is authorised to arrest, to pursue that person into any place in India. Section 57 requires an arrested person to be taken without unnecessary delay before a Magistrate or the officer in charge of a police station. Section 58 limits detention without a special order of a Magistrate to twenty-four hours, excluding the time necessary for the journey. Section 59 provides for reporting arrests to the District Magistrate or, where directed, the Sub-divisional Magistrate. Section 60 restricts the discharge of an arrested person except on bond, bail bond or a special order of a Magistrate.

21.87. No arrest, detention or pursuit of the petitioners is alleged. These provisions therefore do not directly determine the legality of the visit to Tumkur. They nevertheless illustrate that where Parliament intends to confer powers extending beyond ordinary territorial limits, it does so through express provisions subject to defined conditions and safeguards. A power conferred for one purpose cannot be used to enlarge another statutory

Digitally Signed By:
SURAJ GOVINDA RAJ
30/10/2026, 17:12, Bengaluru)
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power beyond its terms. In particular, the power to examine a person cannot be treated as an unrestricted authority to undertake an inter-State investigative operation without due regard to the jurisdiction of the local police and the safeguards applicable to the other acts forming part of that operation.

Recording of statements and the legality of the operation

21.88. The constitutional distribution of police jurisdiction between States is not confined to any particular form of investigative action, nor does it depend upon whether a particular step forms part of a larger inter-State operation. It applies to each stage and process of an investigation undertaken by the police of one State within the territorial limits of another State.

21.89. The recording of a statement is an investigative step in its own right. The fact that Section 180 of the BNSS, empowers a police officer to examine persons acquainted with the facts and circumstances of a case does not, by itself, confer unrestricted authority to exercise police

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30/10/2026, 17:12, Bengaluru)
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powers beyond the territorial jurisdiction of the State to which that officer belongs. The power to examine a person must be exercised consistently with the constitutional allocation of police jurisdiction and the statutory framework governing the exercise of investigative powers across State boundaries. The requirements applicable to such an exercise cannot be avoided merely by characterising the action as the recording of a statement, rather than a search, seizure or other investigative measure.

21.90. Therefore, whether the recording of statements at Tumkur formed part of a larger inter-State investigative operation, or whether it could be considered separately from the other steps undertaken there, does not determine the applicability of the constitutional and statutory safeguards. Those safeguards must be considered independently in relation to the recording of the statements itself. The relevant question is whether the officers of the State of Maharashtra could lawfully undertake that investigative step within Karnataka in the manner in which it was carried out, including whether the coordination, intimation or consent

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30/10/2026, 17:12, Bengaluru)
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required under the applicable legal framework had been obtained.

21.91. In the present case, the statements of the petitioners were recorded at Tumkur by officers of the Maharashtra Police, without prior intimation to or coordination with the jurisdictional Karnataka police. Respondent No. 3 has confirmed that the Karnataka Police were not informed of the visit. Respondent Nos. 1 and 2 have not placed material before this Court demonstrating that the applicable requirements governing the exercise of investigative powers in another State were complied with. The petitioners' allegation that the statements were recorded under pressure is a separate matter; the conclusion on territorial jurisdiction and procedural compliance rests on the circumstances established on record and the absence of material demonstrating compliance with the applicable safeguards.

21.92. This Court therefore holds that the constitutional distribution of police jurisdiction and the safeguards governing inter-State police action apply to the recording of statements as

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30/10/2026, 17:12, Bengaluru)
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an individual investigative step, irrespective of whether that step formed part of a larger operation or is capable of being severed from it. Section 180 of the BNSS, cannot be read as dispensing with those safeguards. In the circumstances of the present case, the recording of the petitioners' statements at Tumkur, in the manner undertaken and without the required coordination or compliance being demonstrated, cannot be treated as a lawfully conducted investigative step. The respondents shall not rely upon those statements as statements lawfully obtained through the impugned exercise. This conclusion does not prevent the investigating agency from examining the petitioners or obtaining their statements afresh in accordance with law.

Conclusion on the impugned action

21.93. The decisions in ***Ravinder Singh***, ***V.D. Moorthy***, ***Jamshed Adil Khan*** and ***Anant Brahmachari*** have been considered for the proposition that an investigating officer may approach a person at that person's place for examination, subject to the applicable law.

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30/10/2026, 17:12, Bengaluru)
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Those decisions do not justify disregarding the constitutional requirement of inter-State coordination where the examination forms part of an operation involving other investigative steps in another State. In fact, Anant Brahmachari qualifies such power having been exercised with the agreement of the person questioned.

21.94. The petitioners contend that the change of place, the failure to coordinate with the Karnataka police and the non-compliance with statutory requirements demonstrate that the impugned operation was unlawful. For the reasons stated above, the Court finds that the operation was undertaken without informing or involving the jurisdictional police and without establishing compliance with the statutory safeguards governing the search-related action. The recording of statements formed part of that same operation and cannot be treated as an independent act insulated from those defects. It is unnecessary to make a separate finding that the officers acted with an intention to harass the petitioners. No finding on motive is made.

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30/10/2026, 17:12, Bengaluru)
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21.95. The Court holds that the impugned operation at Tumkur, including the recording of the petitioners' statements, the inspection of their business premises and the taking of their ledger books or copies thereof, was not shown to have been conducted in accordance with the applicable constitutional and statutory safeguards governing inter-State police operations. The respondents have failed to establish compliance with Sections 185 and 186 BNSS in respect of the search-related action and have not demonstrated that the operation was undertaken with the requisite coordination with the jurisdictional police.

21.96. The statements recorded during that operation are, accordingly, held to be unsustainable as products of the impugned operation and shall not be relied upon by the respondents as statements lawfully recorded in the course thereof. The search-related action, including the inspection and taking of business records, is likewise unsustainable in law.

21.97. Respondent Nos. 1 and 2 shall account for the ledger books and copies taken from the

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30/10/2026, 17:12, Bengaluru)
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petitioners and return any documents retained without lawful authority, subject to any lawful order of a competent Court or authority.

21.98. This Court answers Point No. (ii) by holding that the impugned inter-State operation undertaken by respondent No. 2 at the petitioners' business premises at Tumkur, including the recording of the partners' statements, the inspection of their business records and the taking of ledger books or copies thereof, cannot be sustained in law. The failure to inform or involve the jurisdictional police in Karnataka, coupled with the failure to establish compliance with the statutory safeguards governing the search-related action, renders the impugned operation unlawful.

21.99. The statements recorded during the operation shall not be relied upon by the respondents as statements lawfully obtained in the course thereof. Respondent Nos. 1 and 2 shall account for the documents taken and return any documents retained without lawful authority, subject to any lawful order of a competent Court or authority.

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30/10/2026, 17:12, Bengaluru)
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22. **<u>Answer to Point No. (iii):</u> Whether Standing Order No. 576 dated 12.02.1962, relied upon by the learned Additional Government Advocate, governs the inter-jurisdictional movement and coordination of police officers in the circumstances of the present cases and, if so, whether its requirements were complied with?**

22.1. The question is whether Standing Order No. 576 dated 12.02.1962, produced by respondent No. 3, governs the visit and investigative steps undertaken by respondent No. 2 at Tumkur, Karnataka. Respondent No. 3, through Sri Mohammed Jaffar Shah, learned Additional Government Advocate, relies on the Order as providing for cooperation between police officers of neighbouring areas, including those situated in different States, for controlling organised crime and criminals. Particular reliance is placed on clause (d), which regulates permission for certain officers to travel outside their district or visit another State for the purposes specified in the Order.

22.2. The Order was issued by the Government of the then State of Mysore in connection with arrangements proposed under the draft Mysore Police Manual. Its opening paragraph states:

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30/10/2026, 17:12, Bengaluru)
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> *"In the draft Mysore Police Manual Volume I, Rule 617 (2) (a) to (d) Provisions were proposed for arranging meetings of border Police Officers for the purpose of effecting co-operation in connection with the control of organized crime and of criminals. The Government have in their letter No. HD 246 PEG.60 dated 6-12-1961 have approved the arrangements proposed in the draft Police Manual. The following instructions are therefore issued in the matter:"*

22.3. Clause (a), which sets out the principal purpose of the Order, reads:

> *"(a) In order to secure satisfactory co-operation between the Police of neighbouring areas for the purpose of control of organized crime and of criminals, all Executive Officers from the rank of Sub-Inspectors to the District Superintendent of Police, both of the District and of Railway Police, should keep up frequent and confidential intercourse by correspondence and meetings with Officers of corresponding ranks in the areas bordering their jurisdiction, whether within or outside the state of Mysore."*

22.4. The clause requires police officers of the State of Mysore to maintain regular communication and hold meetings with their counterparts in neighbouring areas, whether within or outside the State, to control organised crime and criminals. Clause (b) extends the arrangement to Deputy Inspectors General, while clause (c) places responsibility on superior officers to

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30/10/2026, 17:12, Bengaluru)
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ensure that the meetings are held and reported.

22.5. Clause (d), relied upon by the learned Additional Government Advocate, reads:

> *"(d) Except in cases of emergency, the Officers subordinate to the District Superintendents of Police must obtain his permission before proceeding out of the District and District Superintendents of Police and Deputy Inspector General of Police must obtain the permission of the Inspector General of Police before they visit another state for the purpose of such meetings. If owing to emergency an Officer leaves his District or proceeds to another state without obtaining previous permission, the journey should be subsequently get sanctioned and ratified by the authority competent to grant permission."*

22.6. The clause requires the officers to whom the Order is addressed to obtain permission from their designated superior before travelling for the specified meetings, subject to subsequent sanction and ratification where an emergency necessitates travel without prior permission.

22.7. The scope of the Order must be determined from its language, purpose and the authority that issued it. Standing Order No. 576 was issued by the Government of the then State of Mysore to regulate its own police force. Its

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30/10/2026, 17:12, Bengaluru)
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provisions identify officers of that force and require them to cooperate with their counterparts in neighbouring areas. The reference to officers outside the State identifies those with whom cooperation is to be maintained; it does not indicate that the Order purports to impose binding directions upon them.

22.8. An administrative instruction issued by one State Government governs the officers to whom it is addressed. It does not, merely by its issuance, bind the police force of another State. The Order does not state that police officers of another State must obtain permission from Karnataka authorities before entering Karnataka, nor does it prescribe the procedure for investigating an offence registered in another State. Clause (d) concerns Karnataka officers travelling outside their district or visiting another State for the meetings contemplated by the Order; it does not regulate officers of another State entering Karnataka to investigate a particular offence.

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30/10/2026, 17:12, Bengaluru)
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22.9. The subject matter of the Order reinforces this conclusion. It provides for meetings, correspondence, supervision and cooperation between border police officers to control organised crime and criminals. It would also be applicable to investigation of a particular offence registered in another State, service of notices upon witnesses, search and seizure, examination of persons or the handling of business records. The reference to an emergency in clause (d) concerns travel by a Karnataka officer without prior permission; it cannot be treated as a general exception available to a visiting police force.

22.10. The Maharashtra police visited Tumkur to investigate a crime registered at Vadgaon, Maharashtra, and the visit was not shown to have been undertaken for a border police meeting. The Order therefore does not govern the conduct of respondent No. 2 in the present cases.

22.11. Standing Order No. 576 cannot displace, enlarge or curtail the requirements imposed by

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30/10/2026, 17:12, Bengaluru)
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Section 186 of the BNSS in relation to a search within the limits of another police station.

22.12. The Order provides limited background to the importance attached by the then State of Mysore to cooperation between police forces across district and State boundaries. However, that background does not make the Order binding upon respondent No. 2.

22.13. Since Standing Order No. 576 does not govern respondent No. 2, the question of compliance with its requirements does not arise against that respondent. The petitioners have not alleged that any Karnataka officer breached the Order. Respondent No. 3 states that its police were not informed of the visit or investigative steps undertaken by respondent No. 2, and no Karnataka officer is shown to have acted under the Order in connection with that visit. Accordingly, no question of permission or subsequent ratification under clause (d) arises on the facts of these cases.

22.14. In the above circumstances, this Court answers Point No. (iii) by holding that the Standing Order No. 576 dated 12.02.1962 is an

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SURAJ GOVINDA RAJ
30/10/2026, 17:12, Bengaluru)
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administrative instruction issued by the Government of the then State of Mysore to regulate its own police force and promote cooperation between border police officers. It binds the officers to whom it is addressed including the present police officers of Karnataka, in accordance with its terms, but does not bind the Maharashtra police merely because they entered Karnataka to investigate an offence registered in Maharashtra. The Order does not govern the movement or investigative actions of respondent No. 2 at Tumkur.

23. **<u>Answer to Point No. (iv):</u> Whether the petitioners have established that the impugned notices and investigative actions of respondent No. 2 were without lawful authority or otherwise contrary to the procedure prescribed by law, warranting interference by this Court under Articles 226 and 227 of the Constitution of India?**

23.1. This Point concerns whether the petitioners have established that the notices and investigative steps of respondent No. 2 were without lawful authority or contrary to the procedure prescribed by law and, if so, whether this Court should interfere under Article 226 of

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30/10/2026, 17:12, Bengaluru)
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the Constitution of India. The answer must follow from the findings under Points (i) to (iii).

23.2. The petitioners do not challenge the registration of Crime No. 446/2025 or seek to quash the investigation as a whole. They challenge the notices issued to them, the investigative steps undertaken at their business premises in Tumkur, and the failure of respondent No. 2 to inform or coordinate with the Karnataka police.

23.3. The question is whether those specific acts were lawful and what relief is necessary to protect the petitioners' rights without obstructing a lawful investigation.

23.4. This Court has jurisdiction under Article 226 to examine the legality of the impugned acts. The notices were served at Tumkur, the Maharashtra police visited the petitioners' premises there, and their statements were recorded there. A part of the cause of action has therefore arisen within the territorial jurisdiction of this Court.

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30/10/2026, 17:12, Bengaluru)
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23.5. In ***Directorate of Enforcement v. State of West Bengal*** [2021 SCC OnLine Del 5603], the Hon'ble High Court of Delhi considered whether it could examine the validity of notices in view of an objection to territorial jurisdiction (paragraph 25, item (c)). It held, at the interim stage, that the petition was prima facie maintainable because the alleged infringement of the legal right had occurred within its territorial jurisdiction (paragraph 30). The same principle applies here. This Court may examine the acts undertaken at Tumkur and grant appropriate relief in respect of them, without assuming control over the investigation in Maharashtra.

23.6. Respondent Nos. 1 and 2, despite service, did not appear or place any material before this Court to answer the petitioners' case. Sri Mohammed Jaffar Shah, learned Additional Government Advocate appearing for respondent No. 3, stated on instructions that the Karnataka police had not been informed of the visit or investigative steps undertaken by respondent No. 2 before, during or after the visit.

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30/10/2026, 17:12, Bengaluru)
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23.7. Under Point No. (i), this Court has held that the notices dated 21.08.2025, insofar as they required the petitioners to attend Vadgaon Police Station under Section 179 of the BNSS, were issued without authority under that provision. The petitioners are situated in Tumkur and carrying out business at Tumkur are not within the limits of Vadgaon Police Station or an adjoining police station. Section 179 does not authorise the investigating officer to compel their attendance at Vadgaon in those circumstances.

23.8. The defect concerns the authority to issue the notices and cannot be cured merely because the investigation itself is lawful. In ***Directorate of Enforcement***, the Hon'ble High Court of Delhi observed in paragraph 28 that the issue "*goes to the root of the matter and if the respondents lacks jurisdiction itself to issue the impugned notices, the entire case of the respondents falls*". Although that observation was made at the prima facie stage, it reinforces the need to ensure that compulsory notices are issued only within the authority conferred by law.

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30/10/2026, 17:12, Bengaluru)
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23.9. Accordingly, the notices cannot be enforced to the extent that they required the petitioners to attend Vadgaon under Section 179.

23.10. Under Point No. (ii), this Court has found that inter-State police operations must respect the territorial jurisdiction of the State in which the investigative steps are undertaken. Such operations may involve examining persons, recording statements, inspecting premises, collecting documents, conducting searches or effecting seizures. Although the statutory requirements governing these acts may differ, the investigating agency cannot act as though it possesses unrestricted authority in another State.

23.11. In ***Bhavesh Jayanti Lakhani v. State of Maharashtra*** [(2009) 9 SCC 551], the Hon'ble Supreme Court in paragraph 95 observed that an investigating agency dealing with a matter involving another State *"may have to proceed with the consent of the State concerned or must work with the police of the other State"*. Similarly, in ***State of West Bengal v. Committee for Protection of Democratic***

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30/10/2026, 17:12, Bengaluru)
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Rights [(2010) 3 SCC 571], the Constitution Bench in paragraph 30 explained the constitutional requirement of State consent in the context of extending the powers and jurisdiction of a police force beyond its State.

23.12. This Court has accordingly held that coordination with the jurisdictional police is required for inter-State investigative operations involving searches, seizures, examination of persons, recording of statements or comparable investigative steps, in accordance with applicable law. Where the governing constitutional or statutory framework requires consent or concurrence, that requirement must be satisfied.

23.13. In the present cases, respondent No. 3 has confirmed that the Karnataka police were not informed before, during or after the visit to Tumkur. The investigative operation was therefore undertaken without the coordination required by the principles discussed under Point No. (ii).

23.14. The petitioners' case that the action involved an inspection and taking of their business records,

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30/10/2026, 17:12, Bengaluru)
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rather than a mere voluntary production of documents. The material, however, does not establish that a search in the technical sense was conducted or that documents were formally seized. This court holds that, if a search was conducted, compliance with Sections 185 and 186 of the BNSS, including the requirements of Section 186(4) where applicable, has not been established.

23.15. The finding under Point No. (iii) does not alter this conclusion. Standing Order No. 576 dated 12.02.1962 was issued by the Government of the then State of Mysore to regulate its own police force and promote cooperation between border police officers. It does not bind the Maharashtra police merely because they entered Karnataka to investigate an offence registered in Maharashtra. The legality of respondent No. 2's actions must therefore be determined under the applicable statutory provisions and constitutional principles, and not by treating that Standing Order as binding upon respondent No. 2.

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30/10/2026, 17:12, Bengaluru)
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23.16. The petitioners have thus established specific legal defects warranting interference under Article 226. The Section 179 notices were issued without authority to the extent stated above, and the inter-State investigative operation was undertaken without informing or coordinating with the jurisdictional police in Karnataka. These findings justify a declaration concerning the notices and directions regulating further investigative steps in Karnataka.

23.17. The relief must be limited to the defects established. A general order restraining respondent No. 2 from contacting the petitioners or interfering with their business would risk obstructing a lawful investigation. The petitioners are not named in the FIR, but that fact alone does not prevent the investigating officer from examining persons who may know the facts or taking other lawful investigative steps.

23.18. The appropriate course is to declare the Section 179 notices unenforceable to the extent stated, prohibit the issue of similar notices in circumstances where Section 179 does not

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30/10/2026, 17:12, Bengaluru)
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authorise compulsory attendance, and direct respondent No. 2 to comply with the applicable safeguards and coordinate with the jurisdictional police in Karnataka before undertaking further investigative steps.

23.19. This Court answers Point No. (iv) by holding that the petitioners have established in part that the impugned notices and investigative steps of respondent No. 2 were without lawful authority or contrary to the procedure prescribed by law. The notices dated 21.08.2025 were without authority to the extent that they required the petitioners to attend Vadgaon Police Station under Section 179 of the BNSS. The investigative operation at Tumkur was undertaken without informing or coordinating with the Karnataka police, and any search conducted there must satisfy Sections 185 and 186 of the BNSS, including Section 186(4) where applicable.

23.20. Interference under Article 226 is warranted by way of the declaration and directions necessary to remedy the established defects. The investigation shall remain open to respondent

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30/10/2026, 17:12, Bengaluru)
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No. 2, subject to compliance with the law and the directions issued by this Court.

24. **Answer to Point No. (v): What order?**

24.1. In view of the findings on Points (i) to (iv), the petitioners have established grounds for limited interference under Articles 226 and 227 of the Constitution of India.

24.2. The notices dated 21.08.2025 are without authority insofar as they require the petitioners to appear at Vadgaon Police Station under Section 179 of the BNSS.

24.3. The inter-State investigative operation undertaken at Tumkur, including the inspection of the petitioners' business premises, the taking of their ledger books or copies thereof, and the recording of their statements, cannot be sustained in law for the reasons recorded under Point No. (ii). The statements shall not be relied upon as statements lawfully obtained during that operation. Respondent Nos. 1 and 2 shall account for the documents taken and return any documents retained without lawful

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30/10/2026, 17:12, Bengaluru)
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authority, subject to any lawful order of a competent Court or authority.

24.4. The petitioners have not established a basis for restraining all further contact with them or for quashing Crime No. 446/2025. The investigation may continue in accordance with law, subject to the directions below. No finding is made on the merits of the allegations in the FIR or the guilt or innocence of any person.

24.5. Accordingly, both writ petitions are partly allowed in terms of the following

ORDER

(i) W.P. No. 31910/2025 and W.P. No. 31320/2025 are **partly allowed** as follows:

(ii) The notices dated 21.08.2025 issued by respondent No. 2 are declared unenforceable insofar as they require the petitioners to appear at Vadgaon Police Station under Section 179 of the BNSS. No coercive or penal action shall be taken against the petitioners for not complying with that requirement.

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30/10/2026, 17:12, Bengaluru)
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(iii) Respondent No. 2 and the officers of Vadgaon Police Station shall not issue notices under Section 179 of the BNSS requiring the petitioners to attend at Vadgaon while they are outside the limits of that police station and any adjoining police station.

(iv) The inter-State investigative operation undertaken at the petitioners' premises at Tumkur, including the inspection of their business records, the taking of ledger books or copies thereof, and the recording of their statements, is declared unsustainable in law. The respondents shall not rely upon the statements recorded during that operation as statements lawfully obtained in the course thereof.

(v) Respondent Nos. 1 and 2 shall account for the ledger books and copies taken from the petitioners and return any documents retained without lawful authority within 21 days of the receipt of a copy of this Order, subject to any lawful order of a competent Court or authority.

(vi) In future, before undertaking any further investigative operation in Karnataka,

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respondent No. 2 and the investigating officers shall give prior written intimation to the officer in charge of the jurisdictional Karnataka police station.

(vii) The intimation shall be entered in the station records of both the police stations, and a copy shall be kept with the case diary.

(viii) The general prayer to restrain respondent No. 2 from contacting the petitioners or interfering with their lawful business is declined, except to the extent of the specific directions above. The prayer to quash the FIR or the investigation as a whole is also declined.

(ix) This order does not determine the merits of the allegations in Crime No. 446/2025 or the guilt or innocence of any person. All questions not decided by this order remain open.

(x) Any pending interlocutory applications stand disposed of.

(xi) The Registry shall send a copy of this order to respondents No. 1 and 2 by email and registered post for information and compliance,

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30/10/2026, 17:12, Bengaluru)
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and to respondent No. 3 by email for information.

This Court has been assisted by Sourav M, Law Clerk, in the formulation of this Judgment.

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(SURAJ GOVINDARAJ)
JUDGE

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