CR-113012/25
Praveen Kulkarni

HC-KAR

NC: 2025:KHC-D:14685
WP No. 107963 of 2025

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 30TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

WRIT PETITION NO. 107963 OF 2025 (GM-POLICE)

BETWEEN:

MR. V. VIVEKANANDA
S/O V. SHIVANA GOUDA,
AGED ABOUT: 25 YEARS,
RESIDING AT KOLUR VILLAGE,
KURUGODU TALUK,
BALLARI DISTRICT,
KARNATAKA- 583102.

...PETITIONER

(BY SRI. GANESH RAIBAGI, ADVOCATE FOR
SRI. PRAVEEN G. KULKARNI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
THROUGH ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HOME,
VIDHANA SOUDHA,
BENGALURU- 560001.

2. THE DIRECTOR-GENERAL AND
INSPECTOR GENERAL OF POLICE
(DG AND IGP)
NRUPATHUNGA ROAD,
BENGALURU,
KARNATAKA- 560001.

3. THE SUPERINTENDENT OF POLICE,
BALLARI DISTRICT,
BALLARI,
KARNATAKA- 583101.

4. THE DEPUTY SUPERINTENDENT OF POLICE,
TORANAGALLU SUB-DIVISION,
BALLARI DISTRICT,
KARNATAKA- 583101.

5. MR. MAHESH GOWDA,
POLICE INSPECTOR,
SANDUR POLICE STATION,
BALLARI DISTRICT,
KARNATAKA- 583101.

...RESPONDENTS

(BY SRI. T. HANUMAREDDY, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA IS PRAYING TO ISSUE A WRIT IN THE NATURE OF MANDAMUS, OR ANY OTHER APPROPRIATE WRIT, ORDER, OR DIRECTION, COMMANDING THE RESPONDENTS NO. 2 AND 3 TO FORTHWITH REGISTER A FIRST INFORMATION REPORT (FIR) AGAINST RESPONDENT NO. 5 BASED ON THE COMPLAINT FILED BY THE PETITIONER DATED 28.08.2025 AS PER ANNEXURE-D AND D1 AND IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.,

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

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE M.NAGAPRASANNA)

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

> "i. Issue a Writ in the nature of **Mandamus**, or any other appropriate writ, order, or direction, commanding the Respondents No. 2 and 3 to forthwith register a First Information Report (FIR) against Respondent No. 5 based on the complaint filed by the Petitioner dated 28.08.2025 as per Annexure-'D' and D1;
>
> ii. Issue a further direction to entrust the investigation of the said FIR to an independent agency, such as the Criminal Investigation Department (CID), or to a senior police officer from a different district, to ensure a fair, impartial, and unbiased investigation; as per Annexure-B, dated 28-08-2025;
>
> iii. Issue a direction for a departmental inquiry to be initiated against Respondent No. 5 for threatening the Petitioner and attempting to obstruct the course of justice;
>
> iv. Pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice and equity."

2. Heard Sri Ganesh Raibagi, learned counsel for Sri.Praveen G. Kulkarni, learned counsel for the petitioner and Sri T. Hanumareddy, learned AGA for the respondents.

3. The petitioner alleges that he has been assaulted by 5th respondent. The 5th respondent is the Station House Officer of Sandur Police Station or the Police Inspector at Sandur Police Station. On the said assault, the petitioner was wanting to register a crime against the said Police Inspector and approaches the jurisdictional police with a complaint against the 5th respondent. Since the 5th respondent was the one against whom the allegations galore, the complaint is not registered, which leads the petitioner to various authorities including a representation to the Home Minister. Even then, the complaint is not registered. Therefore, he is at the doors of this Court.

4. Learned counsel for the petitioner would reiterate the averments in the petition to contend that he has been brutally assaulted by the 5th respondent-Police Inspector and since he is the Police Inspector, the Station House Officer is refusing to register the crime.

5. Learned AGA appearing for the respondents would assure the Court that the complaint would be registered and action would be taken against 5th respondent if he is found to be

guilty of a cognizable offence and even otherwise, the procedure would be followed to register the complaint.

6. The grievance of the petitioner is non-registration of the complaint. The reason for non-registration is a citizen of the Nation is complaining against the police. The 5th respondent-Police Inspector is said to have brutally assaulted the petitioner. Photographs of such assault are appended to the petition but he is made to run from pillar to post including the submission of representation to all the powers that be. It is trite that when a citizen approaches the police station of the jurisdiction alleging commission of cognizable offence by any person be it a police officer, the complaint cannot be declined to be registered and more so, if he is a police officer of the same police station. Registration of a crime against the accused for commission of a cognizable offence will not depend upon who is the accused. Whosoever be the accused, if has committed the crime, shall be investigated into. Non-registration of the crime runs completely counter to what the Apex Court has time and again reiterated right from its judgment in **LALITA KUMARI vs. GOVERNMENT OF UTTAR PRADESH** reported in **(2014) 2 SCC 1**.

7. In the light of the Police Inspector being an accused, I deem it appropriate to direct the registration of the crime, as on the very perusal of the complaint itself, it is indicative of the commission of a cognizable offence of assault. The Superintendent of Police, Bellary, shall ensure a fair investigation into the matter, if necessary by entrusting it to any other police station, in the peculiar facts of the case by directing the registration of the crime, forthwith.

The petition stands ***disposed***.

Sd/-
(M.NAGAPRASANNA)
JUDGE

AC/CBC
List No.: 1 Sl No.: 20

"TRUE COPY"
Section Officer
Copying Branch
High Court of Karnataka
Bench: Dharwad

a) The date on which the application was made 13/11/25
b) The date on which charges and additional charges, if any, are called for.....
c) The date on which charges and additional charges, If any, are deposited / Paid.....
d) The date on which the copy is ready 14/11/25
e) The date of notifying the copy is ready for delivery 14/11/25
f) The Date on which the applicant is required to appear on before.....
g) The date on which copy is delivered to the applicant 15/11/25
h) Examined by.....