



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 3142 OF 2026 (GM-POLICE)

BETWEEN:

SHRI MANI
S/O LATE SRI. MURUGESH,
AGED ABOUT 52 YEARS,
RESIDING AT NO. 49, 1ST MAIN ROAD,
11TH CROSS, NEAR WATER TANK,
SUDHAM NAGARA, BENGALURU - 560075

...PETITIONER

(BY SRI. CLIFTON D' ROZARIO, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS CHIEF SECRETARY,
VIDHANA SOUDHA,
BENGALURU- 560001
2. THE COMMISSIONER OF POLICE
BENGALURU CITY,
BENGALURU- 560001
3. THE STATION HOUSE OFFICER
JEEVAN BHEEMANAGAR POLICE STATION,
BENGALURU- 560075.

...RESPONDENTS

(BY SRI. K.P. YOGANNA , AGA)



THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION DIRECTING THE R3 TO REGISTER A FIRST INFORMATION REPORT UNDER THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 (BNSS), ON THE BASIS OF THE MEMORANDUM DATED: 07.01.2026 SUBMITTED BY THE PETITIONER (PLACED AS ANNEXURE-E) AND POST MORTEM REPORT (PLACED AS ANNEXURE-D, FOR APPROPRIATE OFFENCES UNDER THE BHARATIYA NYAYA SANHITA, 2023.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

A helpless father is constrained to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, seeking issuance of a writ in the nature of mandamus directing respondent No.3- Jurisdictional Station House Officer to register a First Information Report on the basis of the complaint/memorandum dated 07.01.2026 (Annexure-E), by taking due cognizance of the post-mortem report (Annexure-D), which, according to the petitioner, unmistakably discloses commission of a cognizable offence.



2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Advocate for the respondents. This Court has meticulously perused the pleadings, annexures, and in particular the post-mortem report relied upon by the petitioner. The medical records placed on record assume significance in examining whether the information furnished by the petitioner discloses commission of a cognizable offence warranting registration of a First Information Report in terms of the statutory mandate.

3. At the outset, it is trite that under Section 173 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") every information relating to the commission of a cognizable offence, if given orally or in writing to an officer in charge of a police station, shall be reduced into writing and a First Information Report shall be registered forthwith. The provision casts a mandatory duty upon the jurisdictional police officer, leaving no discretion in the matter where the information discloses a cognizable



offence. The law is no longer *res integra* that registration of FIR is compulsory and the police officer cannot embark upon a preliminary enquiry so as to dilute the statutory mandate, save in exceptional categories recognized by law.

4. In the present case, the material on record, particularly the post-mortem report, *prima facie* discloses serious ante-mortem injuries. The report indicates abrasion covered with bright red scab, fracture with blood extravasation, and presence of subdural haemorrhage over the right parieto-temporo-occipital region of the brain measuring 14 cm x 9 cm. These findings, on a plain reading, cannot be brushed aside as accidental or inconsequential. The nature of injuries, coupled with the allegations that the deceased sustained such injuries in a bar premises leading to his death, clearly discloses ingredients of a cognizable offence. Once such information is placed before the jurisdictional police, the statutory



obligation under Section 173 of BNSS, 2023 is immediately triggered.

5. However, in utter disregard of the statutory mandate, the jurisdictional police have chosen to issue only a UDR endorsement, thereby declining to set the criminal law in motion. Such an approach is not only legally untenable but also amounts to abdication of statutory duty. The scheme of the BNSS, 2023 does not permit the police to sit in judgment over the veracity of the complaint at the threshold when the information ex facie discloses a cognizable offence. The duty of the police is to register the FIR and thereafter conduct investigation in accordance with law.

6. This Court cannot lose sight of the fact that the incident in question occurred on 11.12.2025 and the post-mortem was conducted on 13.12.2025, yet no FIR has been registered till date. The inaction on the part of respondent No.3, despite availability of material disclosing



a cognizable offence, reflects a clear case of dereliction of duty. The failure to register FIR in such circumstances defeats the very object of criminal law, which mandates prompt action to ensure a fair and effective investigation.

7. In view of the above discussion, this Court is of the considered opinion that the petitioner has made out a clear case for issuance of a writ of mandamus. When statutory duty is not performed by the police authorities, this Court, in exercise of its constitutional jurisdiction, is duty-bound to ensure that the rule of law is upheld and the criminal justice machinery is set in motion.

8. Accordingly, this Court proceeds to pass the following:

ORDER

(i) The writ petition is allowed.

(ii) Respondent No.2 is directed to ensure that respondent No.3 forthwith registers a First



Information Report on the basis of the complaint dated 07.01.2026 (Annexure-E), in accordance with Section 173 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and proceed with the investigation strictly in accordance with law.

(iii) Respondent No.2 shall oversee and monitor the investigation to ensure that it is conducted fairly, impartially, and expeditiously.

(iv) Needless to observe that all contentions of the parties are left open to be considered during the course of investigation in accordance with law.

SD/-
(SACHIN SHANKAR MAGADUM)
JUDGE

ALB
List No.: 1 Sl No.: 50