



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 5733 OF 2026 (GM-POLICE)

BETWEEN:

MOHAMMED KAREEM @ GHANIM
S/O MOHAMMED ASLAM
AGED 43 YEARS
R/AT NO. 12,
AM STREET, OLD CORPORATION BLDG,
KALASIPALYAMRN
BANGALORE - 560002

...PETITIONER

(BY SRI. SIRAJUDDIN AHMED., ADVOCATE)

AND:

1. STATE OF KARNATAKA
HOME DEPARTMENT,
THROUGH PRINCIPAL SECRETARY
VIDHANA SOUDHA,
BENGALURU - 560001.
2. DEPUTY COMMISSIONER OF POLICE
(WESTERN DIVISION)
SPECIAL EXECUTIVE MAGISTRATE
BENGALURU - 560001.
3. COMMISSIONER OF POLICE
BENGALURU CITY - 560001.
4. POLICE INSPECTOR
SRI KIRAN KUMAR S. NILGAR



KALASIPALYAM P.S
BANGALORE - 56002.

...RESPONDENTS

(BY SRI. VIKAS ROJIPURA, AGA FOR R1 TO R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO- QUASH THE IMPUGNED ORDER OF EXTERNMENT NO. 03/MAG/EXTERNMENT.DCP(W)/2026 DATED 13.02.2026 AT ANNEX-A.

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

The petitioner is assailing the order of externment No.03/M.A.G/EXTERNMENT/DCP(W)/2026 dated 13.02.2026 passed by respondent No. 2.

2. Heard the learned counsel for the petitioner and learned AGA appearing for the respondents.

3. This Court has bestowed its anxious and careful consideration to the impugned order of externment passed by the second respondent in purported exercise of powers under Section 55 of the Karnataka Police Act, 1963 (for



short, "the Act"). The said provision undoubtedly confers wide and extraordinary powers upon the jurisdictional authority to direct removal of a person beyond the limits of a district or contiguous districts with a view to maintain public order and tranquility. However, such power, being drastic in nature and having serious civil consequences on the fundamental right of a citizen to reside and move freely, is required to be exercised sparingly, with circumspection, and strictly in consonance with the statutory requirements embedded in Section 55 of the Act.

4. On a careful perusal of the impugned order, this Court finds that the authority has merely adverted to the existence of a criminal case in S.C. No.1463/2018 arising out of Crime No.56/2016 and has proceeded to pass the order of externment. The order does not disclose any application of mind to the essential ingredients that must be satisfied before invoking Section 55 of the Act. There is a conspicuous absence of any material indicating that the petitioner's movements or acts are presently causing or



are likely to cause alarm, danger, or harm to persons or property, or that his presence is prejudicial to the maintenance of public order.

5. It is not in dispute that the criminal case relied upon by the authority pertains to an incident of the year 2016 and that the petitioner has been enlarged on bail. The impugned order is passed in the year 2026, nearly a decade after the registration of the crime. The authority has failed to demonstrate any live link or proximity between the alleged past conduct and the necessity to invoke externment proceedings at this belated stage. The law is well settled that stale and remote incidents cannot form the sole basis for invoking preventive measures of such a serious nature.

6. The power under Section 55 of the Act cannot be exercised in a mechanical or routine manner by merely referring to the pendency of criminal proceedings. The authority cannot pick and choose a point of time, long



after the alleged incident, to initiate externment proceedings without any intervening material or supervening circumstances justifying such action. Such an approach would amount to misuse of statutory power and would render the provision susceptible to arbitrary application.

7. Externment is a serious encroachment upon personal liberty and cannot be justified on vague, generalized, or outdated allegations. The order must reflect cogent reasons, supported by relevant material, demonstrating the necessity of such action in praesenti. In the absence of any such material, the impugned order is rendered arbitrary, illegal, and contrary to the scheme and object of Section 55 of the Act.

8. In the case on hand, except placing reliance on a criminal case of the year 2016, no material is forthcoming to indicate that the petitioner has indulged in any untoward activities thereafter or that his presence



poses any threat to public order. The impugned order, therefore, suffers from non-application of mind and is liable to be interfered with.

8. Accordingly, the following:

ORDER

(i) The writ petition is allowed.

(ii) The impugned externment order bearing No.03/M.A.G/EXTERNMENT/DCP(W)/2026 dated 13.02.2026 passed by respondent No.2 stands quashed.

(iii) The learned Additional Government Advocate shall forthwith communicate this order to the concerned authorities and ensure that no coercive steps are taken against the petitioner pursuant to the impugned order.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**