



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 6110 OF 2026 (GM-POLICE)

BETWEEN:

1. REKHA
D/O SANNAKALAIHAH @ KALAIHAH
AGED ABOUT 30 YEARS
OCCUPATION HOUSE HOLD
WORKED AND FARMER
R/AT CHOWTHI VILLAGE
PERIYAPATNA TALUK
MYSURU DISTRICT-571107.

...PETITIONER

(BY SRI. HANUMANTHAPPA HARAVI GOWDAR, ADVOCATE)

AND:

1. THE PRINCIPAL SECRETARY
DEPARTMENT OF HOME AFFAIRS
GOVERNMENT OF KARNATAKA
VIKASA SOUDHA, BANGALORE.
2. THE DIRECTOR GENERAL OF POLICE
AND INSPECTOR GENERAL OF POLICE
NRUPATHUNGA ROAD
BANGALORE-560 001.
3. THE SUPERINTENDENT OF POLICE
MYSURU DISTRICT, MYSURU-577005.
4. THE DEPUTY SUPERINTENDENT OF POLICE
HUNSUR SUB DIVISION, HUNSUR
MYSURU DISTRICT-577005.





5. THE POLICE SUB INSPECTOR
PERIYAPATNA POLICE STATION
PERIYAPATNA
MYSURU DISTRICT-571107.
6. PAVAN C.S @ PAVAN KUMAR
S/O SWAMAIAH
AGED ABOUT 31 YEARS
OCCUPATION POLICE OFFICER
CHOWTHI VILLAGE
CHOWTHI PERIYAPATNA TALUK
MYSURU DISTRICT-571107.

...RESPONDENTS

(BY SRI. K.P. YOGANNA, AGA FOR R1 TO R5)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE R3 TO FORWARD THE COMPLAINT DATED 2/1/2026 TO THE OFFICE OF R5 ENABLING, THE R5 SHALL REGISTER A CRIMINAL CASE AGAINST THE R6 VIDE ANNEX-C DATED 02/01/2026.

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

Heard the learned counsel for the petitioner and the learned Additional Government Advocate appearing for the respondents. Perused the material on record.



2. The gist of the petitioner's grievance is that, despite submission of a written complaint to respondent No.3/Superintendent of Police alleging commission of a cognizable offence, no action has been initiated. It is the specific contention that the inaction on the part of respondent No.3 is arbitrary and contrary to the mandate of law governing registration of information relating to cognizable offences.

3. On a careful examination of the records, this Court finds that the complaint dated 02.01.2026 is admittedly addressed to respondent No.3/Superintendent of Police and not to the jurisdictional Station House Officer, i.e., respondent No.5. At this juncture, it is apposite to note that the statutory scheme under the Bharatiya Nagarik Suraksha Sanhita, 2023 contemplates that information relating to the commission of a cognizable offence shall ordinarily be furnished to the officer in charge of a police station having territorial jurisdiction. Section 223 of the BNSS mandates that 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 registered in the manner prescribed.

4. Though the superior police officers, such as the Superintendent of Police, are vested with supervisory powers, the statutory obligation to receive information and register a First Information Report squarely rests with the jurisdictional Station House Officer. The legislative intent underlying Section 223 of the BNSS is clear and unequivocal that the initiation of criminal law machinery commences at the level of the jurisdictional police station, and not by directly invoking the supervisory jurisdiction of higher officers in the first instance.

5. In the present case, the petitioner, instead of approaching the jurisdictional police station/respondent No.5, has directly submitted the complaint to respondent No.3. While such a course is not wholly impermissible, the



same cannot obviate the requirement of the complaint being processed in accordance with the procedure prescribed under Section 223 of the BNSS. Therefore, the complaint requires to be transmitted to the jurisdictional Station House Officer for appropriate action.

6. It is also trite that if the complaint, upon such consideration, discloses the commission of a cognizable offence, the jurisdictional police are duty-bound to act in accordance with the law declared by the Hon'ble Apex Court in ***Lalita Kumari vs. Government of Uttar Pradesh***¹, wherein it is authoritatively held that registration of FIR is mandatory under the law if the information discloses commission of a cognizable offence, subject to limited exceptions warranting a preliminary inquiry.

7. In that view of the matter, this Court is of the considered opinion that ends of justice would be met by

¹ AIR 2012 SC 1515



directing transmission of the complaint to the jurisdictional police station with a corresponding direction to consider the same strictly in accordance with law.

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

ORDER

(i) The writ petition is ***allowed in part***;

(ii) Respondent No.3/Superintendent of Police is directed to forthwith transmit/forward the petitioner's complaint dated 02.01.2026 to the jurisdictional police station, i.e., respondent No.5;

(iii) Upon receipt of the complaint, respondent No.5/Station House Officer shall examine the allegations contained therein and, if the same discloses commission of a cognizable offence, proceed to register the case and take further steps in strict compliance with Section 223 of the BNSS and in the light of the law laid down in ***Lalita Kumari*** (supra);



(iv) It is made clear that all further action shall be taken expeditiously and strictly in accordance with law.

(v) In the alternative, liberty is reserved to the petitioner to present the very same complaint before the jurisdictional Station House Officer/respondent No.5, who, upon receipt of such complaint, shall deal with the same in accordance with Section 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and the law laid down in ***Lalita Kumari vs. Government of Uttar Pradesh***, by examining whether the allegations disclose commission of a cognizable offence and thereafter proceed in accordance with law.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

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List No.: 1 Sl No.: 73