



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 6419 OF 2026 (GM-POLICE)

BETWEEN:

HINDUSTAN GOLD COMPANY,
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 1956,
HAVING ITS REGISTERED OFFICE
AT NO. 24, R.K TERMINUS BUILDING,
BELLARY ROAD, GANGANAGAR,
BENGALURU - 560 032
REPRESENTED BY ITS
AUTHORIZED SIGNATORY AND BRANCH
MANAGER MR. NITHIN R.

...PETITIONER

(BY MS. NAZEEFA M. MULLA.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY ITS SECRETARY,
HOME DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU - 560 001.





2. THE COMMISSIONER OF POLICE,
ALI ASKER RD, VASANTH NAGAR,
BENGALURU- 560 001.
3. THE INVESTIGATING OFFICER,
HSR POLICE STATION,
27TH MAIN RD, 1ST SECTOR,
HSR LAYOUT,
BENGALURU - 560 102.

...RESPONDENTS

(BY SRI.B. RAVINDRANATH., AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE NOTICE DATED 23.02.2026 ISSUED BY THE RESPONDENT NO. 3, ADDRESSED TO PETITIONER AS FURNISHED AS ANNEXURE - E. BEARING NO HSRPS/CR.NO/074/2026; B. ISSUE WRIT OF MANDAMUS DIRECTING THE RESPONDENT NO.3/POLICE NOT TO PROCEED WITH THE NOTICE DATED 23.02.2026 AND FURNISHED AS ANNEXURE - E.

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

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD



ORAL ORDER

The petitioner, a company incorporated under the Companies Act, 1956, is aggrieved by the Notice dated 23.02.2026 issued by the third respondent under Section 94 of *Bharatiya Nyaya Suraksha Sanhita, 2023* [for short, '*the BNSS*']. The third respondent has issued this notice calling upon the petitioner's representative to produce jewellery purportedly related to the commission of offences that are being investigated in Crime No.74/2026. The third respondent has referred to the jewellery as stolen.

Ms Nazeefa M Mulla, the learned counsel for the petitioner, and Mr B Ravindranath, a learned Additional Government Advocate who is called upon to accept notice for the respondents, are heard. This Court must record that the respondents cannot contest that the third respondent could not have invoked Section 94 of the BNSS to secure the custody of the jewellery which is purportedly involved in a



crime, and the petitioner cannot contest the jurisdiction in the Investigating Officer [the second respondent] to take action, as part of an on-going investigation, either under Section 107 or Section 106 of the BNSS to secure the jewellery.

If the third respondent acts under Section 107 of the BNSS, it would be subject to the procedure and the orders of the learned jurisdictional Magistrate, but if the third respondent acts under Section 106 of the BNSS [*because the exigent circumstances could perhaps justify such a decision*], he/ she must ensure that the jewellery identified is recovered under a *mahazar* and made over to the petitioner as against a bond. The petitioner must, if there is such a request in terms of such bond, ensure that the jewellery is retained until the closure of the trial if there is a final report. In the light of the afore, the following:



ORDER

- [a] The petition is allowed-in-part.
- [b] The impugned Notice dated 23.02.2026 *[Annexure-E]* is quashed but without prejudice to the respondents to act as aforementioned and calling upon the petitioner not to part with the custody of the subject jewellery for a period of twelve [12] weeks from today.

**Sd/-
(B M SHYAM PRASAD)
JUDGE**

AN/-