



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 16416 OF 2022 (GM-POLICE)

BETWEEN:

1. SRI. JANARDHAN NAIK
SON OF ERA NAIK,
AGED ABOUT 36 YEARS,
RESIDING AT NO. 64,
4TH CROSS, NEW BANK COLONY,
KONANAKUNTE,
BENGALURU-560 062
2. SRI. JAGANNATH
SON OF MALLAIAH,
AGED ABOUT 65 YEARS,
RESIDING AT GANGAPPA BLOCK,
II CROSS, GANGANAGAR,
R.T. NAGAR POST,
BENGALURU-560 032
3. SRI. M. K. GANAPATHY
SON OF M. P. KUTTAPPA,
AGED ABOUT 50 YEARS,
RESIDING AT SIROYA ENVIRON,
NO.401, 4TH FLOOR, A BLOCK,
SUMANGALI SEVASHRAMA ROAD,
HEBBAL, ANAND NAGAR,
BEHIND BAPTIST HOSPITAL,
R.T. NAGAR POST,
BENGALURU-560 032.

...PETITIONERS

(BY SRI. LAKAMAPURMATH CHIDANANDAYYA, ADVOCATE)





AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
ADDITIONAL CHIEF SECRETARY,
TO HOME DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU-560 001.
2. ADDL. GENERAL OF POLICE
CIVIL RIGHTS ENFORCEMENT CELL,
F BLOCK, 2ND FLOOR,
ANAND BHAVAN,
CAUVERY COLONY,
K.G. ROAD,
BENGALURU-560 009.
3. THE SUPERINTENDENT OF POLICE
CIVIL RIGHTS ENFORCEMENT CELL,
F BLOCK, 2ND FLOOR, ANAND BHAVAN,
CAUVERY COLONY, K.G. ROAD,
BENGALURU-560 009.
4. THE DEPUTY SUPERINTENDENT OF POLICE
CIVIL RIGHTS ENFORCEMENT CELL,
F BLOCK, 2ND FLOOR, ANAND BHAVAN,
CAUVERY COLONY, K.G. ROAD,
BENGALURU-560 009.
5. THE INSPECTOR OF POLICE
CIVIL RIGHTS ENFORCEMENT CELL,
F BLOCK, 2ND FLOOR, ANAND BHAVAN,
CAUVERY COLONY, K.G. ROAD,
BENGALURU-560 009
6. SRI. RAMDAS
SON OF SRI. BADA BOVI,
RESIDING NEAR VENKATRAMANA SWAMY TEMPLE,
KADAVEKEREDODDY VILLAGE,
MALAGALU POST,
KANAKAPURA TALUK,



RAMANAGARA DISTRICT-562 117

...RESPONDENTS

(BY SRI.MANJUNATH K., HCGP FOR R1 TO R5
SRI.SARAVANA S., ADVOCATE FOR R6)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO- CALL FOR THE RECORDS WHICH ULTIMATELY RESULTED IN ISSUING THE IMPUGNED NOTICE DATED 13.07.2022 BEARING NO.ARJI-61/SP/BR/NHJN-22 ISSUED BY THE R5, WHICH IS PRODUCED AT ANNEXURE-A.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present writ petition is filed seeking the following prayer:

"PRAYER

THEREFORE, it is prayed that this Hon'ble Court be pleased to:

(1) CALL for the records which ultimately resulted in issuing the impugned notice dated 13-07-2022 bearing No.ARJI-61/SP/BR/NHJN-22 issued by the 5th respondent, which is produced at Annexure A;

(2) ISSUE an order, direction, Writ in the nature of Certiorari quashing impugned notice dated 13-07-2022 bearing No. ARJI-61/SP/BR/NHJN-22 issued by the 5th respondent, which is produced at Annexure-A, entertaining the dispute of the 6th respondent with the petitioners and deciding as if it is a civil dispute;

(3) ISSUE a declaration, declaring that entertaining the complaint of the 6th respondent is without jurisdiction, ultra vires the powers conferred on the 5th respondent;



(4) ISSUE an order, direction, Writ in the nature of mandamus, directing the respondents 2 to 5 not to interfere with the civil dispute of the petitioners with the 6th respondent; and

(5) ISSUE such other relief or reliefs as this Hon'ble Court deems fit in the facts and circumstances of the case, in interest of justice."

2. It is the case of the petitioners that the petitioners are carrying on their different types of business. The petitioners and the 6th respondent have formed a partnership firm known as M/s. Vigneshwara Granites on 14.08.2019. The partnership firm was registered and reconstituted on 14.08.2019 and the same was registered before the Registrar of Firms. It is submitted that on account of outbreak of COVID-19, the firm could not do the business. Further, the Company owned by 3rd petitioner did not supply granite blocks due to non-payment of the amount due and payable to the company. The firm is pursuing various application filed under KMMC Rules for grant of Quarry Lease. The 6th respondent was in-charge of the collection of the various supplies made by the firm to purchasers of Granite blocks. As per the understanding, no partner is permitted to receive any cash from the purchasers.



3. During the course of carrying on the business, several persons have informed that the 6th respondent collected huge amount of money from the persons for the granite blocks supplied by firm. After receiving the information from the purchasers, the petitioners as the partners of M/s. Vigneshwara Granites confronted the 6th respondent and called upon him to account for the amount received by him from various persons in the name of the firm. Instead of accounting the amount received by him from various purchaser's 6th respondent started threatening to file a complaint under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. It is submitted that the 3rd petitioner owns a Company known as M/s. Ganapathy Granite Impex Pvt. Ltd., which is 100% export-oriented unit and same is nothing to do with firm and the partners of the firm. The 3rd petitioner made an application in the name of his Company, seeking grant of the quarry lease in respect of Survey No.78 of Tavarakere Village, Kunigal Taluk, Tumkur District. The State Government of Karnataka had granted permission to conduct quarrying operation in the said property.



4. It is stated that when the petitioners requested to account for the amounts received by the 6th respondent, the 6th respondent started threatening that he will give complaint against the petitioners and prevent the petitioners from carrying on the business. The 6th respondent came to the Quarry Leases of M/s. Ganapathy Granite Impex Pvt. on 26.04.2022 and attacked the workers and stopped the conduct of quarrying operations. The 3rd petitioner had filed a complaint to the Superintendent of Police on 10.05.2022 and requested to direct Tavarakere Police to provide protection by registering the criminal case against the 6th respondent. In spite of several complaints, no action was taken by the Police. Therefore, the 3rd petitioner had filed WP.No.11719/2022 on 13.06.2022 and the same came to be allowed on 24.06.2022. It is submitted that the 6th respondent once again approached respondent Nos.2 to 4 on 12.07.2022 alleging that the petitioners have committed an act of cheating in the business. It is submitted that basing on that, the impugned notice is issued to the petitioner.



5. It is submitted that the disputes between the parties are purely civil in nature and the respondents have no jurisdiction to issue the notice and entertain the complaint filed by the petitioner. It is submitted that one of the petitioners belongs to the scheduled caste community. It is submitted that the notice that is issued is without any jurisdiction.

6. Learned counsel appearing for the 6th respondent submits that the writ petition filed by the petitioner is disposed of and he has filed another writ petition No.14597/2022 and that came to be dismissed as withdrawn on 02.09.2024 basing on the compromise between the petitioners and the 6th respondent and till now, the petitioners are not honoring the terms of the compromise. It is submitted that it shows the conduct of the petitioners.

7. Learned High Court Government Pleader for respondent Nos.1 to 5 does not dispute the fact that no crime is registered and no provision is mentioned in the notice issued to the petitioners.

8. Having heard the learned counsels on either side, perused the entire material on record. This Court has perused



the impugned notice. Under which provision of law it is given to the petitioner is not known, as per the submissions of the learned High Court Government Pleader also, the Police based on the complaint given by the 6th respondent had issued such a notice. The nature of disputes between the parties is purely civil in nature and both the parties belong to the scheduled caste community. In those circumstances, the question of petitioners approaching the Civil Rights Enforcement Cell and the Police issuing such notice to the petitioners is bad in law. Whatever are the disputes between the parties, they can avail the appropriate remedy before the appropriate forum but the Police cannot interfere in civil disputes with these kinds of allegations. In that view of the matter, this Court is passing the following:

ORDER

- i. The impugned notice dated 13.07.2022 bearing No.ARJI-61/SP/BR/NHJN-22 issued by the 5th respondent at Annexure -A, is **set aside**.
- ii. If the 6th respondent has any grievance and if any of the acts of the petitioners makes out a criminal offense, he is at liberty to approach the Police.



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- iii. Accordingly, the writ petition is ***allowed***.
- iv. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

MEG
List No.: 2 Sl No.: 5