



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. 19068 OF 2022 (GM-RES)

C/W

WRIT PETITION NO. 19224 OF 2022 (GM-POLICE)

IN WP No. 19068/2022

BETWEEN:

SRI. YUGRAJ SONI
S/O JAWAHARMAL SONI
AGED ABOUT 30 YEARS
R/AT DOOR NO.2834
BEHIND AIAMAATHA TEMPLE
HALLADAKERI
MAHAVEERANAGAR
ASHOKA ROAD
MYSURU -570 001

...PETITIONER

(BY SRI.S.V.SRINIVAS, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY KODIHALLI POLICE STATION
KANAKAPURA CIRCLE
RAMANAGARA DISTRICT
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU -560 001
2. SRI T.T.KRISHNA
S/O NOT KNOWN TO PETITIONER



NC: 2026:KHC:17107
WP No. 19068 of 2022
C/W WP No. 19224 of 2022

MAJOR IN AGE
INSPECTOR OF POLICE
STATE INTELLIGENCE DEPARTMENT
NO.2, NRUPATHUNGA ROAD
BENGALURU -560 001

...RESPONDENTS

(BY SRI.MAHANTESH SHETTAR , AGA FOR R1)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECTING THE R1E TO DE-SEAL, REMOVE THE LOCK AND OPEN THE SHOP PREMISES NAMED HARE KRISHAN JEWELS SITUATED AT NO.139/1,ASHOKA ROAD, EAST CROSS 35, MAHAVEER NAGAR, HALLADAKERI, LASHKAR MOHALLA, MYSURU AND PLACE THE PETITIONER IN POSSESSION OF THE SAME.

IN WP NO. 19224/2022

BETWEEN:

SRI. RAJKUMAR SONI
S/O JAWAHARMAL SONI
AGED ABOUT 38 YEARS
R/AT DOOR NO.2834
BEHIND AAIMAATHA TEMPLE,
HALLAKAKERI
MAHAVEERNAGAR ASHOKA ROAD
MYSURU -570 001

...PETITIONER

(BY SRI.S.V.SRINIVAS, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY KODIHALLI POLICE STATION
KANAKAPURA CIRCLE,
RAMANAGARA DISTRICT
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU -560 001



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2. SRI T.T.KRISHNA
S/O NOT KNOWN TO PETITIONER
MAJOR IN AGE
INSPECTOR OF POLICE
STATE INTELLIGENCE DEPARTMENT
NO.2, NRUPATHUNGA ROAD
BENGALURU -560 001

...RESPONDENTS

(BY SRI.MAHANTESH SHETTAR, AGA FOR R1)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE R-1 TO DE-SEAL, REMOVE THE LOCK AND OPEN THE SHOP PREMISES NAMED RAJ GOLD SMITH SITUATED AT NO.140, ASHOKA ROAD, EAST CROSS, 35, MAHAVEER NAGAR, HALLADAKERI, LASHKAR MOHALLA, MYSURU AND PLACE THE PETITIONER IN POSSESSION OF THE SAME.

THESE PETITIONS, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The Writ Petition No.19068/2022 is filed seeking the following prayer:

"PRAYER

WHEREFORE, the petitioner most humbly prays that this Hon'ble Court be pleased to:

(i) Issue a writ in the nature of mandamus or any other appropriate writ directing the first respondent to de-seal, remove the lock and open the shop premises named "Hare Krishna Jewels" situated at No. 139/1, Ashoka Road, East Cross 35, Mahaveer Nagar, Halladakeri, Lashkar Mohalla, Mysuru and place the petitioner in possession of the same;

(ii) Issue a writ in the nature of mandamus or any other appropriate writ directing the respondents to pay the



petitioner a sum of Rs.10,00,000/- as compensation for having illegally sealed and locked shop premises from 13.07.2022;

(iii) Issue a writ in the nature of mandamus or any other appropriate writ directing the respondents to pay the petitioner a sum of Rs.5,00,000/- as compensation for having illegally handcuffed the petitioner;

(iv) Grant such other relief/s as this Hon'ble Court may deem fit in the circumstances of the case."

2. The Writ Petition No.19924/2022 is filed seeking the following prayer:

"PRAYER:

WHEREFORE, the petitioner most humbly prays that this Hon'ble Court be pleased to:

(i) Issue a writ in the nature of mandamus or any other appropriate writ directing the first respondent to de-seal, remove the lock and open the shop premises named "Raj Gold Smith" situated at No.140, Ashoka Road, East Cross 35, Mahaveer Nagar, Halladakeri, Lashkar Mohalla, Mysuru and place the petitioner in possession of the same;

(ii) Issue a writ in the nature of mandamus or any other appropriate writ directing the respondents to pay the petitioner a sum of Rs.10,00,000/- as compensation for having illegally sealed and locked shop premises from 13.07.2022;

(iii) Grant such other relief/s as this Hon'ble Court may deem fit in the circumstances of the case."

3. The petitioners in both the writ petitions are brothers. Learned counsel appearing for the petitioner submits that the respondent/Police have acted in a high handed manner. On 13.07.2022, without following the due process, in a high-handed manner, the Police seized the shop of the petitioner and



it is the case that they have taken the petitioner into the custody forcibly, handcuffed the petitioner and removed a currency note of denomination of Rs.100/- from the pocket of the petitioner. This action of the respondent in handcuffing the petitioner is highly arbitrary, illegal and violative of the fundamental rights of the petitioner. It is submitted that they have taken the petitioner to the Magistrate with the handcuffs and while presenting the petitioner before the Magistrate, they removed the handcuffs. In fact Police have asked permission to the Magistrate to handcuff the petitioner which was rejected by the Magistrate which clearly shows the high handed action of the respondents. It is submitted that though the objections are filed, the respondents have not categorically denied any of the allegations that are made by the petitioner. It is submitted that by way of an interim order, the lock of the shop was removed, the writ petition may be allowed and the petitioner may be granted the compensation as prayed for in the writ petition.

4. Learned Additional Government Advocate appearing on behalf of the respondents submits that the articles that were stolen were gold articles which was kept in the shop of the



petitioners and the petitioners were not cooperating with the Police, as such, having no other option, the Police have seized the shop and the same was brought to the notice of the Magistrate immediately. It is submitted that in those circumstances, there is a requirement and if the shop is not seized and the petitioner is permitted to take away the articles, it would be difficult to recover the same. So in the pursuit of doing justice, they have seized the shop and this has been already brought to the notice of the Magistrate. The allegation that the respondent had handcuffed the petitioner is baseless and they have not done any of the activities that are alleged by the petitioner. It is submitted that the writ petition is liable to be dismissed.

5. Having heard the learned counsels on either side, perused the entire material on record. The petitioner has made two allegations against the respondent. One is that the Police have seized the shop on 13.07.2022 without the permission of the Magistrate and they have handcuffed the petitioner and for this, the petitioner is seeking compensation. As far as handcuffing of the petitioner is concerned, there is no material



placed before this Court, except the requisition before the Magistrate. Based on that, this Court cannot come to the conclusion that the petitioner was handcuffed and there is a disputed version of that fact which cannot be decided by this Court exercising the jurisdiction under Article 226 of the Constitution of India. Then coming to the second aspect, i.e., seizing of the shop Section 102 of the Code of Criminal Procedure, 1973 reads thus:

"102. Power of police officer to seize certain property.—

(1) Any police officer may seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence.

(2) Such police officer, if subordinate to the officer in charge of a police station, shall forthwith report the seizure to that officer.

[(3) Every police officer acting under sub-section (1) shall forthwith report the seizure to the Magistrate having jurisdiction and where the property seized is such that it cannot be conveniently transported to the Court, 2 [or where there is difficulty in securing proper accommodation for the custody of such property, or where the continued retention of the property in police custody may not be considered necessary for the purpose of investigation,] he may give custody thereof to any person on his executing a bond undertaking to produce the property before the Court as and when required and to give effect to the further orders of the Court as to the disposal of the same:]

[Provided that where the property seized under sub-section (1) is subject to speedy and natural decay and if the person entitled to the possession of such property is unknown or absent and the value of such property is less than five hundred rupees, it may forthwith be sold by auction under the orders of the Superintendent of



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Police and the provisions of sections 457 and 458 shall, as nearly as may be practicable, apply to the net proceeds of such sale.]"

6. As per the same, respondent/Police has the power to seize the premises and whatever are the seized articles from the property has to be placed before the Magistrate and whoever wants the custody of the same can file an application before the Magistrate. Even on that count also, this Court is not inclined to interfere. Hence, this Court is passing the following:

ORDER

- i. Accordingly, both WP.No.19068/2022 and WP.No.19224/2022 are ***disposed of*** giving liberty to the petitioners to avail the remedy before the appropriate forum as far as the allegation with regard to the handcuffing of the petitioners is concerned, as the same cannot be decided by this Court.
- ii. All I.As. in this petition shall stand closed.

**SD/-
(LALITHA KANNEGANTI)
JUDGE**