

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2022

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

WRIT PETITION NO.15624 OF 2022 (GM-POLICE)

BETWEEN:

SHRI.M.PRAKASH,

...PETITIONER

(BY SRI.MUNIRAJU V, ADVOCATE)

AND:

1. THE SUPERINTENDENT OF POLICE,
CHIKKABALLAPURA DISTRICT,
CHIKKABALLAPURA -562 101.

2. THE DEPUTY SUPERINTENDENT OF POLICE,
CHINTAMANI DIVISION, CHINTAMANI CITY,
CHIKKABALLAPURA DISTRICT -563 125.

3. THE CIRCLE POLICE INSPECTOR,
SHIDLAGHATTA CIRCLE, SHIDLAGHATTA CITY,
CHIKKABALLAPURA DISTRICT-562 105.

4. THE POLICE SUB INSPECTOR,
SHIDLAGHATTA RURAL POLICE STATION,
SHIDLAGHATTA CITY, CHIKKABALLAPURA DISTRICT,
PIN CODE-562105.

...RESPONDENTS

(BY SRI.VINOD KUMAR M, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED POLICE NOTICE DATED 13.07.2022 ISSUED BY THE R4 IN NO.SDL(R)PS/O.PETCE/15/2022 TO THE PETITIONER, A COPY OF WHICH IS PRODUCED AS PER ANNEXURE-E AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

The grievance of petitioner is against the respondent-police calling him for enquiry short of investigation without registering the offence. The learned AGA on request having accepted notice for the official respondents, resists the Writ Petition banking upon the observations of Apex Court in **LALITA KUMARI VS. STATE OF UTTAR PRADESH** (2014) 2 SCC 1.

2. Having heard the learned counsel for the parties and having perused the Petition Papers, this court declines indulgence in the matter inasmuch as the power to hold preliminary enquiry is recognized by the Apex Court in the decision *supra*. However, the duration of preliminary enquiry depends upon the facts & circumstances of each case and ordinarily, that is in the domain of investigating

officer. Therefore, issuance of multiple notices is not a ground for faltering the enquiry in question.

In the above circumstances, this Writ Petition being devoid of merits, is disposed off. However, the respondent-police shall not unnecessarily harass or arrest the petitioner, in the guise of preliminary enquiry.

All contentions are kept open.

**Sd/-
JUDGE**

cbc