

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 29<sup>TH</sup> DAY OF DECEMBER 2021**

**BEFORE**

**THE HON'BLE MR. JUSTICE B. M. SHYAM PRASAD**

**WRIT PETITION No.24327 OF 2021 (GM-POLICE)**

**BETWEEN:**

MRS PALLAVI REDDY  
AGED ABOUT 44 YEARS  
WIFE OF M. RAJENDRA REDDY  
RESIDING AT T-401  
RED WOOD APARTMENT  
HARLUR ROAD,  
SARJAPUR ROAD,  
BANGALORE 560 102

.. PETITIONER

(BY SRI. AJAY RAO, ADVOCATE)

AND

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARIAT  
DEPARTMENT OF HOME  
VIDHAN SOUDHA  
BENGALURU 560 001.
2. THE COMMISSIONER OF POLICE  
NO.2, ALI ASKER ROD,  
VASANTH NAGAR  
BANGALORE 560051.
3. THE ASSISTANT COMMISSIONER OF POLICE  
SUBRAMANYA NAGAR POLICE STATION  
67, Dr. RAJKUMAR RD, E BLOCK  
2<sup>nd</sup> STAGE,  
RAJAJINAGAR  
BENGALURU 560010.

4. THE SUB - INSPECTOR OF POLICE  
SUBRAMANYA NAGAR POLICE STATION  
67, Dr. RAJKUMAR RD  
E BLOCK, 2<sup>nd</sup> STAGE,  
RAJAJINAGAR  
BENGALURU 560010.
5. Mr. R. SHEKAR  
SON OF LATE REvANNA  
AGED ABOUT 42 YEARS  
RA/T 575/A, 3<sup>rd</sup> MAIN  
A BLOCK, RAJAJINAGAR  
BANGALORE 560010.

...RESPONDENTS

(BY SRI C.N. MAHADESHWARAN, AGA., FOR R1 TO R4)

\*\*\*

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED NOTICE DTD. 10.11.2021 (AT ANNEX-A) ISSUED BY THE R-4 AND ETC.,

THIS WRIT PETITION COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

### **ORDER**

Sri Ajay Rao, learned counsel for the petitioner submits that the petitioner, the land owner of the subject property who has entered into registered transaction with the developer for the development of the property in joint venture, is constrained to impugn the police notice dated 10.11.2021 with the alternative prayer to the jurisdictional police (the fourth

respondent) to consider the petitioner's response dated 24.12.2021 and to proceed with the investigation in a manner known to law because the fourth respondent, despite the petitioner's representations, has issued the impugned notice and is repeatedly calling upon the petitioner and there is every likelihood of the petitioner being falsely implicated.

Sri C.N.Mahadeshwaran, the learned Additional Government Advocate responding to the petitioner's contention, submits on instructions that impugned police notice is issued only to record the petitioner's statement pursuant to the registration of FIR in Crime No.21/2021 on information being lodged that immovable property which is already sold is again agreed to be transferred in favour of the complainant/informant, and otherwise, there is no cause of action for the present petition. In rejoinder, the learned counsel for the petitioner submits that the

petitioner is not a party to any such transaction and these transactions do not relate to the petitioner's share of apartments.

On careful consideration on the rival submissions, this Court is of the considered view that the petition must be disposed of in the light of the submission made by the learned Additional Government Advocate that the impugned notice is issued only for recording the statement under Section 161 of Cr.P.C, and with the observation that the fourth respondent must necessarily act in accordance with law in the light of the petitioner's specific defense.

The petition stands disposed of accordingly.

**Sd/-  
JUDGE**