

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2021

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

WRIT PETITION NO.17722 OF 2021 (GM-POLICE)

BETWEEN:

MRS. NAVYASHREE,
AGED 25 YEARS,
W/O MR. ARAVINDA V,
R/AT FLAT No.305,
VAILANKANI HEIGHTS, ACHUKODI,
BONDEL POST, MANGALORE,
D.K. DISTRICT - 576 008.

...PETITIONER

(BY SRI.P.P. HEGDE, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
THROUGH THE INSPECTOR OF POLICE,
WOMEN'S POLICE STATION,
MANGALORE - 575 001.
2. INSPECTOR OF POLICE,
WOMEN'S POLICE STATION,
MANGALORE,
D.K. DISTRICT - 575 001.

...RESPONDENTS

(BY SRI. VINOD KUMAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE INSPECTOR OF POLICE, WOMENS POLICE STATION, MANGALORE/R2 IN CRIME No.55/2021 OF WOMENS POLICE STATION, MANGALORE PENDING ON THE FILE OF JMFC(III) COURT, MANGALORE WHICH IS PRODUCED AS ANNEXURE-D1, TO CONDUCT SPEEDY AND FAIR INVESTIGATION BY TAKING STEPS TO IMMEDIATELY SEIZE THE GOLD ORNAMENTS OF THE PETITIONER KEPT IN ACCOUNT BEARING No.843210110004550 OF BANK OF INDIA, KUVEMPUNAGARA BRACH, MYSURU AND RETURN THE SAME TO THE PETITIONER AND ETC.

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

ORDER

The short grievance of the petitioner is as to the proposed shifting of the investigation to Madikere or Mysuru police when she has been ordinarily residing at Mangaluru; learned counsel for the petitioner relies upon the decision of the Apex Court in *Roopali Devi v/s Uttar Pradesh* (2019) 5 SCC 384 to falter the action of the respondents.

2. Learned AGA appearing for the respondents opposes the writ petition contending that it is for the investigating agencies to decide as to which of them should conduct investigation; he also points out that in a catena of decisions, the Apex Court has recognized a lot of discretion which the investigating agency has, in matters of the kind and therefore, ordinarily the writ courts do not grant indulgence in such matters.

3. Having heard the learned counsel for the parties and having perused the Petition Papers, the question raised by the petitioner is no longer *res integra* in view of the

decision stated supra wherein the Apex Court at para 16 has observed as under:

"16. We, therefore, hold that the courts at the place where the wife takes shelter after leaving or driven away from the matrimonial home on account of acts of cruelty committed by the husband or his relatives, would, dependent on the factual situation, also have jurisdiction to entertain a complaint alleging commission of offences under Section 498-A of the Penal Code."

In view of the declaration of the law by the Apex Court, the jurisdictional Police are well advised to take up the investigation wherein the petitioner ordinarily resides and accomplish the same as expeditiously as possible.

In the above circumstances, this writ petition is disposed off directing respondent No.2-Women Police Station to undertake & accomplish the investigation within a period of four months; delay brooked may result into an adverse entry being directed in the Service Register of Investigation Officers.

All contentions are kept open.

**Sd/-
JUDGE**