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NC: 2026:KHC:11506
WP No. 3862 of 2026

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

WRIT PETITION NO. 3862 OF 2026 (GM-RES)

BETWEEN:

M/S. NEW SPACE RESEARCH AND
TECHNOLOGIES PRIVATE LIMITED
A COMPANY REGISTERED
UNDER THE COMPANIES ACT, 2013
HAVING ITS OFFICE AT
2385, 1ST FLOOR, 60 FEET ROAD
SAHAKARANAGAR
BENGALURU – 560 092
KARNATAKA
REPRESENTED BY ITS AUTHORISED
SIGNATORY, MR. SARATH KUMAR.

...PETITIONER

(BY SRI ANGAD KAMATH, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY THE STATION HOUSE OFFICER
DODDABALLAPURA RURAL POLICE STATION
BENGALURU RURAL DISTRICT
REPRESENTED BY THE
HIGH COURT PUBLIC PROSECUTOR.

...RESPONDENT

(BY SRI B.N.JAGADEESHA, ADDL. SPP)

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THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA READ WITH SECTION 528 OF BNSS, PRAYING TO QUASHING THE FIRST INFORMATION REPORT IN CRIME NO. 24/2026 DATED 29.01.2026 REGISTERED BY THE DODDABALLAPURA RURAL POLICE STATION, BENGALURU RURAL DISTRICT FOR OFFENCES UNDER SECTIONS 125 AND 329(3) OF THE BHARATIYA NYAYA SANHITA, 2023 FURNISHED HEREWITH AS ANNEXURE A.

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioner-M/s NewSpace Research and Technologies Private Limited is before the Court calling in question registration of a crime in Crime No.24 of 2026 for offences punishable under Sections 125 and 329(3) of the BNS.

2. Heard Sri Angad Kamath, learned counsel appearing for the petitioner and Sri B.N.Jagadeesha, learned Additional State Public Prosecutor for the respondent.

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3. Facts, in brief, germane are as follows: -

3.1. The petitioner is a Company engaged in research and development in the field of unmanned aerial systems and allied aerospace technologies. The petitioner is a centrally regulated entity and holds a valid authorization certificate issued by the Directorate General of Civil Aviation recognizing the petitioner as a research and development organization under the unmanned aircraft system regulatory framework. The petitioner also claims to be holding industrial/defence licence granted by the Department for Promotion of Industry and Internal Trade, authorizing it to manufacture and develop autonomous systems and unmanned aerial vehicles. The petitioner is said to be in lawful possession and control of a particular piece of land at Doddaballapura, Bengaluru Rural District under a subsisting lease agreement in its favour. The leased land measures about 48 acres and is being used by the petitioner for the last five years for research and development for the purpose of testing of drones and unmanned systems, as part of routine operations.

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3.2. On 29-01-2026 a team of flight operators employed by the petitioner was at the leased premises and as a routine research and development, testing of drones was carried out in the said land as noted hereinabove. The drone involved on the said day was a lightweight research prototype belonging to the petitioner, made primarily of thermocol fitted with a commercially available Chinese battery with an estimated total weight of 7 kilograms capable of flying up to 100 to 150 feet altitude. At all material times, the testing of unmanned aircraft system, as averred in the petition, is carried out within the area classified as a green zone, as the leased premises where the drones were tested fall within such green zone classification. On 29-01-2026, the averment in the petition is that, one of the drones suffered a battery malfunctioning, as a result of which it glided beyond the boundary of the leased land and landed smoothly into a neighbouring property. Owing to the poor lighting conditions and lack of GPS signal, the drone could not be located immediately. The petitioner’s team is said to have begun search on the following day.

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3.3. On the same day i.e., 29-01-2026, a Police Constable attached to Doddaballapua Rural Police Station while on routine rounds within the station limits, received information through 112 helpline regarding presence of drone in Palanayogahalli village, Doddaballapura Taluk. The Police Constable, on the said information is said to have proceeded to the spot and conducted a check. This results in a crime being registered against unknown persons for having trespassed into a private land, alleging that the drone has been placed on such land and the presence of drone was perceived to be endangering the life and physical safety of the owner of the land. This becomes a crime in Crime No.24 of 2026 registered *suo motu* for offences punishable under Section 125 and 329(3) of the BNS. The crime did not name or identify any individual, Company or operator or pilot as an accused.

3.4. The petitioner, on the next day, was informed that a crime had been registered in relation to the drone. It is the averment in the petition that officials of the petitioner visited the jurisdictional Police Station and informed the Police that the drone belongs to the petitioner and was being used for research

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and testing purposes. The jurisdictional Police or the Officer in-charge of the Police Station directed that the Managing Director of the Company to be physically present and thereafter, the contents of the FIR would be revealed. Enquiries were made. The petitioner informs the Police that Rule 42 of the Drone Rules, 2021 exempts the petitioner from the requirement of obtaining permission and approval for research and development operations. Even then, copy of the FIR was not handed over to the petitioner. Apprehending that coercive action would be taken against the petitioner, the petitioner stands at the door of this Court in the present petition, challenging registration of crime by the jurisdictional police.

4. The learned counsel Sri Angad Kamath appearing for the petitioner would vehemently contend that ingredients of any of the offences so laid against the petitioner do not even meet their threshold requirement. The allegation of Section 329 of the BNS cannot be attributed to an inanimate object. Even if the attribution is attempted to some operator, the FIR did not mention any culpable human entry with the requisite intention of trespass. Insofar as the offence under Section 125 of the

BNS is concerned, there is no allegation of any rash or negligent human act and no specific endangerment to any identified person. The special aviation law occupied the field where permission is granted to the petitioner. What the fulcrum of the crime has caused is slight or negligible harm, attracting the doctrine of triviality. There is no allegation of bodily injury, property damage or complaint being filed by a private complainant. FIR is not supplied to the petitioner despite repeated asking. It was indicated that it was uploaded online. Without the FIR number it is impossible to search the FIR so registered against the petitioner is the emphatic submission of the learned counsel appearing for the petitioner. On these grounds, the petitioner would seek quashment of the crime.

5. Per contra, the learned Additional State Public Prosecutor Sri B.N. Jagadeesha would vehemently refute the submissions in contending that the allegation is not that drone has committed trespass or inanimate object has committed trespass. The allegation is, it is planted by the petitioner. It is undoubtedly an object of fear in today's world that a drone comes and sits in your neighborhood and you won't take any

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action and, therefore, the crime is registered, but he would admit that copy of the FIR ought to have been given by the jurisdictional police, when the petitioner against whom the crime is registered has asked for it. The learned State Public Prosecutor submits that barring this, there is no warrant of interference at this stage. The matter must be permitted to be investigated into. He would seek dismissal of the petition.

6. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

7. The afore-narrated facts, dates and link in the chain of events are all a matter of record. They would not require any reiteration. The genesis of the allegation lies in a *suo motu* complaint. Since the entire issue has now triggered from the complaint, I deem it appropriate to notice the complaint. The complaint reads as follows:

"ರವರಿಗೆ, ದಿನಾಂಕ:29.01.2027

ಪೊಲೀಸ್ ಇನ್ಸ್ ಪೆಕ್ಟರ್
ದೊಡ್ಡಬಳ್ಳಾಪುರ ಗ್ರಾಮಾಂತರ ಪೊಲೀಸ್ ಠಾಣೆ.

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ದೊಡ್ಡಬಳ್ಳಾಪುರ.

ಯಿಂದ.

ಬಸವರಾಜ್ ಎಸ್. ಎ.ಪಿ.ಸಿ.253,
ಸಶಸ್ತ್ರ ಪೊಲೀಸ್ ಕೇಂದ್ರ ಕಛೇರಿ,
ಬ್ಯಾಡರಹಳ್ಳಿ, ಬೆಂಗಳೂರು ಗ್ರಾಮಾಂತರ ಜಿಲ್ಲೆ.

ವಿಷಯ:- ದೊಡ್ಡಬಳ್ಳಾಪುರ ತಾಲ್ಲೂಕ್, ಕಸಬಾ ಹೋಬಳಿ, ಪಾಲನಜೋಗಹಳ್ಳಿ ಗ್ರಾಮದ ಖಾಸಗಿಯವರ ಜಮೀನಿನಲ್ಲಿ ಅನುಮಾಸ್ಪದವಾಗಿ ಡ್ರೋನ್ ಸಿಕ್ಕಿರುವ ಬಗ್ಗೆ ದೂರು.

***

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮಾನ್ಯರಲ್ಲಿ ಕೋರುವುದೇನೆಂದರೆ, ನಾನು ಈಗ್ಗೆ 03 ತಿಂಗಳುಗಳಿಂದ ದೊಡ್ಡಬಳ್ಳಾಪುರ ಗ್ರಾಮಾಂತರ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ಕೆಎ-04-ಜಿ-1693 ಇ.ಆರ್.ಎಸ್.ಎಸ್ ಬೈಕ್.ನ ಚಾಲಕನಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರುತ್ತೇನೆ. ನಾನು ಈ ದಿನ ದಿನಾಂಕ:29.01.2026 ರಂದು ಎಂದಿನಂತೆ ಕಂಟನಕುಂಟೆ, ಮಲ್ಲಾತಹಳ್ಳಿ ಕಡೆಗಳಲ್ಲಿ ಕೆ-04-ಜಿ-1693 ಇ.ಆರ್.ಎಸ್.ಎಸ್ ಬೈಕ್.ನಲ್ಲಿ ರೌಂಡ್ಸ್ ಮಾಡುತ್ತಿದ್ದಾಗ ಮದ್ಯಾಹ್ನ 2.00 ಗಂಟೆಯಲ್ಲಿ ಮೊಬೈಲ್ ಸಂಖ್ಯೆ 9633926057 ನಂಬರಿನಿಂದ 112 ಇ.ಆರ್.ಎಸ್.ಎಸ್ ಬೈಕ್ ಕರೆ ಮಾಡಿ ಪಾಲನಜೋಗಹಳ್ಳಿ ಗ್ರಾಮದಲ್ಲಿ ಅನುಮಾನಸ್ಪದವಾಗಿ ಡ್ರೋನ್ ಬಿದ್ದಿದೆ ಎಂದು ದೂರನ್ನು ನೀಡಿದ್ದು, ನಾನು ಕೂಡಲೇ ಸ್ಥಳಕ್ಕೆ ಹೋಗಿ ನೋಡಲಾಗಿ ವಿಚಾರ ನಿಜವಾಗಿದ್ದು, ಯಾರೋ ಅಪರಿಚಿತ ವ್ಯಕ್ತಿಗಳು ಪಾಲನಜೋಗಹಳ್ಳಿ ಗ್ರಾಮದ ಖಾಸಗಿಯವರ ಜಮೀನಿಗೆ ಅತಿಕ್ರಮ ಪ್ರವೇಶ ಮಾಡಿ. ಜಮೀನಿನ ಮಾಲೀಕರಿಗೋ ಅಥವಾ ಇತರರ ಪ್ರಾಣಕ್ಕೆ ಹಾಗೂ ದೈಹಿಕ ಸುರಕ್ಷತೆಗೆ ಅಪಾಯವನ್ನುಂಟು ಮಾಡುವ ದೃಷ್ಟಿಯಿಂದ ಡ್ರೋನ್ ಅನ್ನು ಇಟ್ಟಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತೆ.

ಆದ್ದರಿಂದ ಖಾಸಗಿಯವರ ಜಮೀನಿಗೆ ಅತಿಕ್ರಮ ಪ್ರವೇಶ ಮಾಡಿ, ಜಮೀನಿನ ಮಾಲೀಕರಿಗೋ ಅಥವಾ ಇತರರ ಪ್ರಾಣಕ್ಕೆ ಹಾಗೂ ದೈಹಿಕ ಸುರಕ್ಷತೆಗೆ ಅಪಾಯವನ್ನುಂಟು ಮಾಡುವ ರೀತಿಯಲ್ಲಿ ನಿರ್ಲಕ್ಷತೆಯಿಂದ ಡ್ರೋನ್ ಅನ್ನು ಇಟ್ಟಿರುವ ಆರೋಪಿಗಳನ್ನು ಪತ್ತೆ ಮಾಡಿ ಕಾನೂನು ರೀತ್ಯಾ ಕ್ರಮ ಜರುಗಿಸಬೇಕೆಂದು ಈ ಮೇಲ್ಕಂಡ ಜಮೀನಿನಲ್ಲಿಟ್ಟಿರುವ ಡ್ರೋನ್ ಅನ್ನು ನನ್ನ ವಶಕ್ಕೆ ಪಡೆದು ಡ್ರೋನ್ ಸಮೇತ ಠಾಣೆಗೆ ಹಾಜರಾಗಿ ದೂರನ್ನು ನೀಡಿರುತ್ತೇನೆ.

ತಮ್ಮ ವಿಧೇಯ
ಸಹಿ/-"

This becomes a crime in Crime No.24 of 2026 for the offences punishable under Sections 125 and 329(3) of the BNS. The

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complaint merely records the presence of the drone in the neighbouring property. Beyond this, there is nothing narrated in the complaint that could become the ingredients of Section 329(3) of the BNS. Section 329(3) of the BNS reads as follows:

> "329.**Criminal trespass and house-trespass**:
>
> ... ...
>
> (3) Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both."

Section 329 of the BNS deals with criminal trespass, predicates liability upon entry into property with intent to commit an offence or to intimidate, insult or annoy the owner of the said property. The *sine qua non* of the provision is the existence of *mens rea.* The FIR, however, is conspicuously devoid of any allegation of intentional human entry or any discernible ingredient of the statute. The recovery is of a drone. Mere recovery of a drone, without anything more, cannot, by any stretch of imagination, satisfy the ingredients of the offence. Therefore, Section 329 of the BNS is loosely laid against the petitioner.

8. Similarly, Section 125 of the BNS contemplates a rash or negligent human act, endangering life or personal safety. Section 125 reads as follows:

> "**125. Act endangering life or personal safety of others**.—Whoever does any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to two thousand five hundred rupees, or with both, but—
>
> (*a*) where hurt is caused, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both;
>
> (*b*) where grievous hurt is caused, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to ten thousand rupees, or with both."

The FIR does not attribute any such negligent human act to any individual nor does it identify any specific victim. **Criminal jurisprudence, as it stands, continues to rest upon the bedrock of *mens rea* and criminal justice system cannot be invoked on the basis of speculative or mechanical attribution of the ingredients of the crime – rash and negligent human act to an inanimate object.** Therefore, the Police cannot convert a mechanical event into an offence

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involving *mens rea,* by a bald assertion in the complaint. Therefore, ingredients of both the offences are conspicuously absent in the case at hand.

9. Even assuming the widest latitude in favour of the prosecution, the incident, at its highest, constitutes a case of negligible harm, squarely attracting the doctrine of triviality. There is no allegation of bodily injury, property damage or an aggrieved complainant. Therefore the case of the respondent-complainant falters on yet another legal plank. The FIR is *suo motu*. The fulcrum is a drone trespassing into a neighbouring property. Therefore, the statutory principle as engrained in Section 33 of the BNS/95 of the IPC becomes applicable. Interpreting Section 95 of the IPC, the Apex Court in **MRS. VEEDA MENEZES v. YUSUF KHAN**[1], has held as follows:

> "…. …. ….
>
> **3.** Before us it was urged that the High Court had no power to act under S. 95, I.P.C., since by the act of the respondent bodily hurt was intentionally caused. It was argued that S. 95 applies only in those cases where the act which causes harm is accidental and not deliberate, and that the expression "harm" in S. 95, I.P.C. includes financial loss, loss of reputation, mental worry or even apprehension of injury, but when physical injury is

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[1] **AIR 1966 SC 1772**

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actually caused to the complainant S. 95 cannot be invoked. In our view there is no substance in these contentions. Section 95 provides :

> "Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm."

It is true that the object of framing S. 95 was to exclude from the operation of the Penal Code those cases which from the imperfection of language may fall within the letter of the law, but are not within its spirit and are considered, and for the most part dealt with by the Courts, as innocent. It cannot, however, be said that harm caused by doing an act with intent to cause harm or with the knowledge that harm may be caused thereby, will not fall within the terms of S. 95. The argument is belied by the plain terms of S. 95. The section applies if the act causes harm or is intended to cause harm or is known to be likely to cause harm, provided the harm is so slight that no person of ordinary sense and temper would complain of such harm.

4. **The expression "harm" has not been defined in the Indian Penal Code; in its dictionary meaning it connotes hurt; injury; damage; impairment; moral wrong or evil. There is no warrant for the contention raised that the expression "harm" in S. 95 does not include physical injury. The expression "harm" is used in many sections of the Indian Penal Code. In Ss. 81, 87, 88, 89, 91, 92, 100, 104 and 106 the expression can only mean physical injury. In S. 93 it means an injurious mental reaction. In S. 415 it means injury to a person in body, mind, reputation or property. In Ss. 469 and 499 'harm', it is plainfrom the context, is to be reputation of the aggrieved party. There is nothing in S. 95 which warrants a restricted meaning which counsel for the appellant contends should be attributed to that word. Section 95 is a general exception, and if that expression has**

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in many other sections dealing with general exceptions a wide connotation as inclusive of physical injury, there is no reason to suppose that the Legislature intended to use the expression "harm" in S. 95 in a restricted sense.

5. The next question is whether, having regard to the circumstances, the harm caused to the appellant and to her servant Robert was so slight that no person of ordinary sense and temper would complain of such harm. **Section 95 is intended to prevent penalisation of negligible wrongs or of offences of trivial character. Whether an act which amounts to an offence is trivial would undoubtedly depend upon the nature of the injury, the position of the parties, the knowledge or intention with which the offending act is done, and other related circumstances.** There can be no absolute standard or degree of harm which may be regarded as so slight that a person of ordinary sense and temper would not complain of the harm. It cannot be judged solely by the measure of physical or other injury the act causes. A soldier assaulting his colonel, a policeman assaulting his Superintendent, or a pupil beating his teacher, commit offences, the heniousness of which cannot be determined merely by the actual injury suffered by the officer or the teacher, for the assault would be wholly subversive of discipline. An assault by one child on another, or even by a grown-up person on another, which causes injury may still be regarded as so slight, having regard to the way and station of life of the parties, relation between them, situation in which the parties are placed, and other circumstances in which harm is caused, that the victim ordinarily may not complain of the harm."

10. In the light of the aforesaid circumstance, the case at hand becomes a classic illustration for application of the

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principles laid down by the Apex Court in the of **STATE OF HARYANA v. BHAJAN LAL**[2], wherein it is held as follows:

"…. …. ….

102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

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[2] **1992 Supp (1) SCC 335**

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(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

The Apex Court holds that when quashment of a FIR is being considered by the Constitutional Courts, it should be tested only on the settled threshold, assuming that FIR is true as it stands, the essential ingredients are met or otherwise in the offence. When that is absent, the quashing becomes axiomatic. In the case at hand, as indicated hereinabove, the offence

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under Section 329 or Section 125 of the BNS is not met even to its remotest sense. Therefore, the inevitable conclusion is obliteration of the crime.

11. Before parting, it becomes necessary to address a recurring concern, namely, the failure of investigating agencies to furnish copies of FIR to the accused. The law declared by the Apex Court, in **YOUTH BAR ASSOICATION OF INDIA v. UNION OF INDIA**[3], becomes apposite to be referred to in the case at hand. The Apex Court has held as follows:

> "…. …. ….
>
> **11.** Having heard the learned counsel for the parties, we think it appropriate to record the requisite conclusions and, thereafter, proceed to issue the directions:
>
> **11.1.** An accused is entitled to get a copy of the first information report at an earlier stage than as prescribed under Section 207 CrPC.
>
> **11.2.** An accused who has reasons to suspect that he has been roped in a criminal case and his name may be finding place in a first information report can submit an application through his representative/agent/parokar for grant of a certified copy before the police officer concerned or to the Superintendent of Police on payment of such fee which is payable for obtaining such a copy from the court. On such application being made, the copy shall be supplied within twenty-four hours.

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[3] **(2016) 9 SCC 473**

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11.3. Once the first information report is forwarded by the police station to the Magistrate concerned or any Special Judge, on an application being filed for certified copy on behalf of the accused, the same shall be given by the court concerned within two working days. The aforesaid direction has nothing to do with the statutory mandate inhered under Section 207 CrPC.

11.4. The copies of the FIRs, unless the offence is sensitive in nature, like sexual offences, offences pertaining to insurgency, terrorism and of that category, offences under the POCSO Act and such other offences, should be uploaded on the police website, and if there is no such website, on the official website of the State Government, within twenty-four hours of the registration of the first information report so that the accused or any person connected with the same can download the FIR and file appropriate application before the court as per law for redressal of his grievances. It may be clarified here that in case there is connectivity problems due to geographical location or there is some other unavoidable difficulty, the time can be extended up to forty-eight hours. The said 48 hours can be extended maximum up to 72 hours and it is only relatable to connectivity problems due to geographical location.

11.5. The decision not to upload the copy of the FIR on the website shall not be taken by an officer below the rank of Deputy Superintendent of Police or any person holding equivalent post. In case, the States where the District Magistrate has a role, he may also assume the said authority. A decision taken by the police officer concerned or the District Magistrate shall be duly communicated to the jurisdictional Magistrate concerned.

11.6. The word "sensitive" apart from the other aspects which may be thought of being sensitive by the competent authority as stated hereinbefore would also include concept of privacy, regard being had to the nature of the FIR. The examples given with regard to the sensitive cases are absolutely illustrative and are not exhaustive.

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11.7. If an FIR is not uploaded, needless to say, it shall not enure per se a ground to obtain the benefit under Section 438 CrPC.

11.8. In case a copy of the FIR is not provided on the ground of sensitive nature of the case, a person grieved by the said action, after disclosing his identity, can submit a representation to the Superintendent of Police or any person holding the equivalent post in the State. The Superintendent of Police shall constitute a committee of three officers which shall deal with the said grievance. As far as the metropolitan cities are concerned, where Commissioner is there, if a representation is submitted to the Commissioner of Police, he shall constitute a committee of three officers. The committee so constituted shall deal with the grievance within three days from the date of receipt of the representation and communicate it to the grieved person.

11.9. The competent authority referred to hereinabove shall constitute the committee, as directed hereinabove, within eight weeks from today.

11.10. In cases wherein decisions have been taken not to give copies of the FIR, regard being had to the sensitive nature of the case, it will be open to the accused/his authorised representative/parokar to file an application for grant of certified copy before the Court to which the FIR has been sent and the same shall be provided in quite promptitude by the court concerned not beyond three days of the submission of the application.

11.11. The directions for uploading of FIR in the website of all the States shall be given effect from 15-11-2016."

(Emphasis supplied at each instance)

The law declared by the Apex Court unequivocally mandates that an accused is entitled to obtain a copy of the FIR without undue delay. Mere assertion that FIR is uploaded online cannot be a substitute for compliance with the obligation. The denial of essential particulars concerning the FIR, renders the rights to access, illusory and undermines the very purpose of transparency envisaged by the Court. It is, therefore, imperative that all Police Stations scrupulously adhere to the mandate of furnishing the copy of the FIR or if it is online, furnishing complete details of the FIR. Any deviation in this regard by the Police Stations would be viewed seriously and those Station House Officers or the Officers in-charge of the Police Station who would not follow this, would become open to initiation of departmental enquiry against those erring officers.

12. Reverting back to the facts obtaining in the case at hand, the continuation of investigation in the absence of even a prima facie offence, would amount to abuse of the process of the law and result in manifest injustice.

VERDICTUM.IN

13. For the aforesaid reasons, the following:

O R D E R

(i) Writ Petition is **allowed.**

(ii) First Information Report in Crime No.24 of 2026 registered by the Doddaballapura Rural Police Station, Bengaluru Rural District stand quashed *qua* the petitioner.

Sd/-
(M.NAGAPRASANNA)
JUDGE

BKP
List No.: 1 Sl No.: 69
CT:SS