



Reserved on : 22.09.2026
Pronounced on : 16.10.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

WRIT PETITION NO. 24641 OF 2026 (GM-RES)

C/W

CRIMINAL PETITION NO. 11258 OF 2026

CRIMINAL PETITION NO. 11265 OF 2026

IN WP No. 24641/2026

BETWEEN:

SRI NAGENDRAPPA T.,
S/O TOPANNA SHIROOR,
AGED ABOUT 39 YEARS,
RESIDING AT NO. 13/89,
G.RAMESH REDDY LAYOUT,
MYLASANDRA,
BENGALURU – 560 068.

...PETITIONER

(BY SRI GIRISH BHARADWAJ, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY BELLANDURU PS,



REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
BENGALURU – 560 001.

2. THE STATE OF KARNATAKA
REPRESENTED BY ITS
CHIEF SECRETARY,
HOME DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU – 560 001.
3. THE STATION HOUSE OFFICER
BELLANDURU POLICE STATION,
BENGALURU – 560 102.
4. THE UNION OF INDIA
REPRESENTED BY ITS SECRETARY,
MINISTRY OF HOME AFFAIRS,
NORTH BLOCK,
NEW DELHI – 110 001.
5. THE FOREIGNERS REGIONAL
REGISTRATION OFFICE (FRRO)
5TH FLOOR, A BLOCK,
TTMC, BMTc BUS STAND BUILDING,
K.H. ROAD, SHANTHINAGAR,
BENGALURU – 560 027.
6. SMT. NASREENA
W/O MOHAMMAD BILAL,
AGED ABOUT 23 YEARS,
RESIDING AT NEAR DS MAX APARTMENTS,

HADOSIDDAPURA, BENGALURU – 560 035
ORIGINAL RESIDENT OF:
RAJAPUR VILLAGE,
WEST RAJAPUR POST,
SHARAN KOLLA RANDHA PS,
BAGHEERA DISTRICT,
BANGLADESH 9300

...RESPONDENTS

(BY SRI B.N.JAGADEESHA, SPP-I FOR R-1 TO R-3;
SRI ARVIND KAMATH, ASGI A/W
SRI VINAY VENUGOPAL, CGSC FOR R-4 AND R-5)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 528 AND 529 OF BNSS, PRAYING TO SETTING ASIDE THE ARREST OF THE PETITIONER ON 23.07.2026 AT 2.00 P.M. IN CRIME NO. 343/2026 OF BELLANDURU P.S. FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 74, 126 (2), 115 (2), 79, 352, 351 (2) AND 351 (3) OF BHARATIYA NYAYA SANHITA, 2023 UNDER ARREST WITHOUT WARRANT PRODUCED AT ANNEXURE-H; B. ISSUE A WRIT OF MANDAMUS DIRECTING RESPONDENT NOS. 1 TO 3, JOINTLY AND SEVERALLY, TO PAY TO THE PETITIONER COMPENSATION FOR THE UNLAWFUL DEPRIVATION OF PETITIONER'S PERSONAL LIBERTY; C. ISSUE A WRIT OF MANDAMUS DIRECTING RESPONDENT NOS. 1, 4 AND 5 TO TAKE ALL NECESSARY AND TIME-BOUND STEPS FOR THE NATIONALITY VERIFICATION AND DEPORTATION OF RESPONDENT NO. 6 AND ALL OTHER ILLEGAL IMMIGRANTS, AND TO FILE A COMPLIANCE REPORT BEFORE THIS HON'BLE COURT.

IN CRL.P NO. 11258/2026

BETWEEN:

1. SRI NAGENDRAPPA T.,
S/O TOPANNA SHIROOR
AGED ABOUT 39 YEARS,

RESIDING AT NO.13/89
G.RAMESH REDDY LAYOUT
MYLASANDRA
BENGALURU – 560 068.

...PETITIONER

(BY SRI GIRISH BHARADWAJ, ADVOCATES)

AND:

1. STATE OF KARNATAKA
BY BELLANDURU PS
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
BENGALURU – 560 001.
2. SRI NASREENA
W/O MOHAMMED BILAL
AGED ABOUT 23 YEARS
RESIDING AT NEAR DS MAX APARTMENTS
HADOSIDDAPURA
BENGALURU – 560 035

ORIGINAL RESIDENT OF
RAJAPUR VILLAGE,
WEST RAJPUR POST
SHARAN KOLLA RANDHA PS
BAGHEERA DISTRICT,
BANGLADESH 9330.

3. THE FOREIGNERS REGIONAL
REGISTRATION OFFICE (FRRO)
5TH FLOOR, A BLOCK,
TTMC, BMTc BUS STAND BUILDING,

K.H. ROAD, SHANTHINAGAR,
BENGALURU – 560 027.

(AMENDED CARRIED OUT AS PER COURT ORDER
DATED 28.07.2026)

...RESPONDENTS

(BY SRI B.N.JAGADEESHA, SPP-I FOR R-1;
SRI ARVIND KAMATH, ASGI A/W
SRI VINAY VENUGOPAL, CGSC FOR R-3)

THIS CRL.P FILED U/S.528 OF BNSS PRAYING TO
QUASH THE FIR AND COMPLAINT ARISING OUT OF CRIME
NO.343/2026 REGISTERED BY THE BELLANDURU POLICE
STATION, BENGALURU FOR OFFENCES P/U/S 74, 126(2),
115(2), 79, 352, 351(2) AND 351(3) OF BNS 2023
PRODUCED AT ANNEXURE A AND B PENDING BEFORE 41st
ACJM AT BENGALURU.

IN CRL.P NO. 11265/2026

BETWEEN:

1. SRI NAGENDRAPPA T.,
S/O TOPANNA SHIROOR
AGED ABOUT 39 YEARS,
OCCUPATION: MEDICAL PRACTITIONER (DOCTOR)
AND SOCIAL WORKER
RESIDING AT NO.13/89
G.RAMESH REDDY LAYOUT
MYLASADRA, BENGALURU
KARNATAKA – 560 068

...PETITIONER

(BY SRI GIRISH BHARADWAJ, ADVOCATES)

AND:

1. THE STATE OF KARNATAKA
BY VARTHUR POLICE STATION
MARATHAHALLI SUB-DIVISION
BENGALURU CITY
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
BENGALURU – 560 001.
2. SRI MOHAMMED SAIDUL ISLAM
S/O SRI IZUL ISLAM
AGED ABOUT 45 YEARS
C/O MUNIRAJU LABOUR SHED
KODATHI VILLAGE
BEHIND GOVERNMENT SCHOOL
SARJAPUR MAIN ROAD
BENGALURU EAST
KARNATAKA – 560 035.
3. THE FOREIGNERS REGIONAL
REGISTRATION OFFICE (FRRO)
5TH FLOOR, A BLOCK,
TTMC, BMTC BUS STAND BUILDING,
K.H. ROAD, SHANTHINAGAR,
BENGALURU – 560 027.

(AMENDED CARRIED OUT AS PER COURT ORDER
DATED 28.07.2026)

...RESPONDENTS

(BY SRI B.N.JAGADEESHA, SPP-I FOR R-1;
SRI ARVIND KAMATH, ASGI A/W

SRI VINAY VENUGOPAL, CGSC FOR R-3)

THIS CRL.P FILED U/S 528 OF BNSS PRAYING PLEASED TO QUASH THE FIR, COMPLAINT IN CR.NO.488/2026 DATED 18.07.2026 ON THE FILE OF ADDL. CJM(ACJM), BENGALURU RURAL REGISTERED BY VARTHUR P.S., FOR THE OFFENCES P/U/S 115(2), 126(2), 351(2) AND 352 R/W SECTION 3(5) OF BNS, 2023, AS PER DOCUMENT NOS.1 AND 2.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 22.09.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

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

CAV ORDER

The petitioner, in all these cases, is common, but the complainants in the criminal petitions differ. In Criminal Petition No.11265 of 2026, the challenge is to the registration of a crime in Crime No.488 of 2026 registered for offences punishable under Section 115(2), 126(2), 351(2), 352 r/w 3(5) of the BNS. In Criminal Petition No.11258 of 2026, the challenge is to the crime in Crime No.343 of 2026 registered for offences punishable under

Sections 74, 79, 115(2), 126(2), 351(2), 351(3) and 352 of the BNS. Writ Petition No.24641 of 2026 is preferred seeking the following prayer:

- a. "Issue a writ of certiorari or any other writ/order setting aside the arrest of the petitioner on 23-07-2026 at 2.00 p.m. in Crime No.343 of 2026 of Bellanduru P.S. for the offences punishable under Sections 74, 126(2), 115(2), 79, 352, 351(2) and 351(3) of Bharatiya Nyaya Sanhita, 2023 under arrest without warrant produced at Annexure-H;
- b. Issue a writ of mandamus directing Respondent Nos. 1 to 3, jointly and severally to pay to the petitioner compensation for the unlawful deprivation of petitioner's personal liberty;
- c. Issue a writ of mandamus directing Respondent Nos. 1, 4 and 5 to take all necessary and time-bound steps for the nationality verification and deportation of Respondent No.6 and all other illegal immigrants and to file a compliance report before this Court.
- d. Pass any other order this Hon'ble Court deems fit in the facts and circumstances."

2. The two criminal petitions call in question the very crimes so registered in Crime Nos.343 of 2026 and 448 of 2026 and the writ petition seeks compensation for unlawful deprivation of petitioner's personal liberty in Crime No.343 of 2026. The petitioner is the common accused in all the three petitions, therefore, all the three are taken up together and considered by this common order.

3. Heard in all the petitions Sri **Girish Bharadwaj**, learned counsel appearing for the petitioner, Sri **B.N. Jagadeesha**, learned State Public Prosecutor – I appearing for the State and Sri **Arvind Kamath**, learned Additional Solicitor General of India appearing for the Union of India.

4. Facts, in brief, germane are as follows:

4.1. The petitioner, a medical practitioner by profession is also engaged in issues of social and public interest. The petitioner receives information that large number of foreign nationals belonging to Bangladesh had constructed labour sheds or makeshift sheds behind Government School at Kodathi Village, Sarjapur Main Road. The petitioner then dials emergency helpline at 1.39 p.m. on 18-07-2026 and reports the matter and later the petitioner along with the Police come to the spot. On the arrival of the Police, a number of persons flee the spot apprehending detention on account of their illegal stay in the city. The 2nd respondent in Criminal Petition No.11265 of 2026, based on the said incident, seeks to register a complaint before the jurisdictional Police – Varthur Police Station on several grounds, including alleged assault by the

petitioner upon him. This becomes a crime in Crime No.488 of 2026. The complainant does not stop at that, but asks one Nasreena, who is the complainant in the companion petitions, to register a complaint adding offences punishable under Sections 74 and 79 of the BNS, which becomes a crime in Crime No.343 of 2026 before the Bellanduru Police Station, both of which come under Marathahalli Sub-Division. Therefore, the two illegal immigrants from Bangladesh who are staying in the city illegally without any piece of paper or document seek to register crimes against the petitioner who sought to project the stay of illegal immigrants to the Police. Upon registration of the subject crimes, the petitioner is before the Court calling in question the very registration of the crimes.

4.2. This Court, on 28-07-2026 in Criminal Petition No.11258 of 2026 passed the following order:

"Heard Sri Girish Bharadwaj, learned counsel for petitioner.

2. Learned High Court Government Pleader waives notice to respondent No.1 and learned State Public Prosecutor – 1 is directed to make submission in the matter.

3. Learned counsel for the petitioner to serve a copy of the petition papers upon the learned High Court Government Pleader, forthwith.

ORAL ORDER ON I.A.NO.1/2026

4. The petitioner is before this Court, now arrayed as an accused in Crime No.343 of 2026, registered at the instance of one Nasreena, who, it is not in dispute, is an immigrant from Bangladesh, allegedly residing within the precincts of this city without any authority of law.

5. The foundational facts are neither disputed nor obscure. Respondent No.2 admittedly possesses no document authorising her to stay within the territory of this Nation. The Investigating Officer, who was then engaged in the inquiry concerning illegal immigrants, at **11.30 a.m. on 22.07.2026**, addressed a communication to the **Foreigners Regional Registration Office (FRRO)** recording that the complainant was an illegal immigrant residing in the city and recommending that she be lodged in a detention centre pending her deportation beyond the shores of this country.

6. The genesis of the said communication to the FRRO lies in the information furnished by the present petitioner, who had brought to the notice of the authorities that the complainant, along with others, was residing in the city as an illegal immigrant. Strikingly, within a fleeting span of **fifteen minutes**, at **11.45 a.m.**, the very same complainant appeared before the jurisdictional police and lodged the impugned complaint alleging that the petitioner had assaulted her. The chronology of events speaks louder than words. At **11.30 a.m.**, the Investigating Officer had not noticed, much less recorded, any injury upon the complainant. Yet, within the next fifteen minutes, a criminal case springs into existence. The timing of the complaint, viewed in juxtaposition with the communication to the FRRO, prima facie portrays it as nothing but a retaliatory counterblast to the petitioner's act of bringing the complainant's illegal presence in the country to the notice of the authorities.

7. Matters assume a more disturbing complexion thereafter. The moment the complaint came to be registered,

the police machinery swung into action with unusual alacrity. The petitioner was taken into custody and deprived of his liberty, only to be released on the following day. The sequence of events, at least at this stage, presents a textbook illustration of how the coercive powers of criminal law can be pressed into service in aid of a complaint which bears the unmistakable imprint of retaliation rather than genuine grievance. Few instances could better exemplify an abuse of the process of law.

8. Equally baffling is the manner in which the crime itself came to be registered. Even a plain reading of the complaint does not disclose any discernible infliction of injury. Yet, the criminal law was set in motion without the most elementary scrutiny. Courts cannot remain oblivious to situations where the criminal justice system is employed, not as an instrument to redress legitimate wrongs, but as a shield to protect those whose very presence in the country is under serious legal cloud, while simultaneously turning the sword of prosecution against the individual who had brought such illegality to the notice of the competent authorities. Such a course, if permitted, would erode public confidence in the administration of criminal justice.

9. The complaint itself is dated **22.07.2026**. Significantly, while the complainant describes her place of residence as Bengaluru, she simultaneously discloses herself to be a resident of Bangladesh. This circumstance, by itself, ought to have prompted the Station House Officer to undertake a preliminary verification as to the authenticity of the allegations and the surrounding circumstances before hastening to arrest the petitioner. The liberty of a citizen cannot become collateral damage in the wake of a complaint that demanded careful scrutiny rather than unquestioning acceptance.

10. In the aforesaid circumstances, the learned Special Public Prosecutor shall secure instructions as to how such a crime came to be registered in the complete absence of any medical examination or contemporaneous material disclosing injury, and as to how the petitioner was taken into custody on the strength of a complaint which, at least prima facie, appears to be bereft of credibility.

11. Therefore, there shall be an **interim order staying further investigation** in Crime No.343 of 2026 registered by the Bellanduru Police Station, now pending on the file of the **41st Additional Chief Judicial Magistrate, Bengaluru**, until further orders of this Court.

12. The **Foreigners Regional Registration Office (FRRO)** shall be impleaded as an additional respondent to these proceedings.

13. Sri Vinay Venugopal, learned Central Government Senior Panel Counsel, is directed to accept notice on behalf of the FRRO and obtain instructions regarding the present status of the complainant and the other illegal immigrants referred to in the communication, particularly whether appropriate proceedings have been initiated to deport them beyond the territorial boundaries of this nation.

14. Tag this petition along with **Criminal Petition No.11265 of 2026** and list the matters on **06.08.2026** under the caption '**Fresh Matters**'."

4.3. In Criminal Petition No.11265 of 2026, this Court, on 06-08-2026, passed the following order:

"Heard the learned ASGI, Sri. Aravind Kamath appearing for respondents.

This Court granted an interim order of stay of further investigation against the petitioner on 28.07.2026 by the following order:

"Heard Sri Girish Bharadwaj, learned counsel for petitioner.

2. Learned High Court Government Pleader waives notice to respondent No.1 and learned State Public Prosecutor – 1 is directed to make submission in the matter.

3. Learned counsel for the petitioner to serve a copy of the petition papers upon the learned High Court Government Pleader, forthwith.

ORAL ORDER ON I.A.NO.1/2026

4. The petitioner is before this Court, now arrayed as an accused in Crime No.488 of 2026, registered at the instance of one Mohammed Saidul Islam, who, it is not in dispute, is an immigrant from Bangladesh, allegedly residing within the precincts of this city without any authority of law.

5. The foundational facts are neither disputed nor obscure. Respondent No.2 admittedly possesses no document authorising him to stay within the territory of this Nation. As per the complaint averments, the petitioner is alleged to have wrongfully restrained and abused the complainant and others, who were residing in labour sheds, on a suspicion that they were of Bangladesh origin. **All these happens between 3.30 p.m. and 4.00 p.m. on 18.07.2026.**

6. The averments in the petition would be that the petitioner upon receipt of information about the illegal immigrants in the area, calls the police and informs about this fact. It transpires that the police along with the petitioner reach the spot and the complainant apprehending his detention, flees from the said spot. **The said incident according to the petitioner happens between 1.39 p.m. and 3.30 p.m. on 18.07.2026.**

7. **Strikingly, the complainant appeared before the jurisdictional police at 9.45 p.m. on 18.07.2026** and lodged the impugned complaint alleging that the petitioner had wrongfully restrained and assaulted him. The chronology of events speak louder than words. At the time of registering the impugned crime, the Investigating Officer had not noticed, much less recorded, any injury upon the complainant. Yet, a criminal case springs into existence.

8. The moment the complaint came to be registered, the police machinery swung into action with unusual alacrity. The sequence of events, at least at this

stage, presents a textbook illustration of how the coercive powers of criminal law can be pressed into service in aid of a complaint which bears the unmistakable imprint of retaliation rather than genuine grievance. Few instances could better exemplify an abuse of the process of law.

9. Equally baffling is the manner in which the crime itself came to be registered. Even a plain reading of the complaint does not disclose any discernible infliction of injury. Yet, the criminal law was set into motion without the most elementary scrutiny. The Courts cannot remain oblivious to situations where the criminal justice system is employed, not as an instrument to redress legitimate wrongs, but as a shield to protect those whose very presence in the country is under serious legal cloud, while simultaneously turning the sword of prosecution against the individual who had brought such illegality to the notice of the competent authorities. Such a course, if permitted, would erode public confidence in the administration of criminal justice.

10. The complaint itself is dated **18.07.2026**. Significantly, while the complainant describes his place of residence as Bengaluru, he simultaneously discloses himself to be a resident of Bangladesh. This circumstance, by itself, ought to have prompted the Station House Officer to undertake a preliminary verification as to the authenticity of the allegations and the surrounding circumstances before hastening to register a crime against the petitioner.

11. In the aforesaid circumstances, the learned State Public Prosecutor – 1 shall secure instructions as to how such a crime came to be registered in the complete absence of any medical examination or contemporaneous material disclosing injury which, at least prima facie, appears to be bereft of credibility.

12. Therefore, there shall be an **interim order staying further investigation** in Crime No.488 of 2026 registered by the Varthur Police Station, now pending on the file of the **Additional Chief Judicial Magistrate, Bengaluru Rural, Bengaluru**, until further orders of this Court.

13. The **Foreigners Regional Registration Office (FRRO)** shall be impleaded as an additional respondent to these proceedings.

14. Sri Vinay Venugopal, learned Central Government Senior Panel Counsel, is directed to accept notice on behalf of the FRRO and obtain instructions regarding the present status of the complainant and the other illegal immigrants, particularly whether appropriate proceedings have been initiated to deport them beyond the territorial boundaries of this nation.

15. Tag this petition along with **Criminal Petition No.11258 of 2026** and list the matters on **06.08.2026** under the caption '**Fresh Matters**'."

and further directed the FRRO to place on record as to what are the steps taken towards the implementation of the SOP of illegal immigrants.

Learned ASGI places on record a communication which clearly indicates that the complainants along with others are illegally staying in India as that is the finding of the FRRO.

Learned ASGI would further submit that the complainants are on movement restriction orders along with others. Therefore, in terms of the SOP, the learned ASGI shall place on record the development with regard to their exit beyond the shores of this Nation.

The interim order subsisting would continue till the next date of hearing, however, with an observation that no incidents of assault should happen in the interregnum to any other illegal immigrants by the petitioner.

List the matter on **20.08.2026**."

4.4. The Foreigners Regional Registration Office ('FRRO') was directed to be impleaded in both the cases. During the subsistence of the interim orders, the petitioner files the third petition, now the

Writ Petition seeking the afore-quoted prayer. The Writ Petition is preferred on the score that at the behest of these illegal immigrants, without any rhyme or reason, the petitioner was taken into custody. Therefore, he seeks compensation for the said act of the Police in taking the petitioner into custody. This Court in W.P.No.24641 of 2026 on 06-08-2026 passes the following order:

"ORAL ORDER

Heard Sri Girish Bharadwaj, learned counsel for petitioner.

Learned High Court Government Pleader is directed to accept notice for respondent Nos.1 to 3 and learned State Public Prosecutor - 1 is directed to appear in the matter.

Sri Vinay Venugopal, learned Central Government Senior Panel Counsel is directed to accept for respondent Nos.4 and 5.

This Court on 28.07.2026, in Crl.P.No.11258/2026 passed the following order:

"Heard Sri Girish Bharadwaj, learned counsel for petitioner.

2. Learned High Court Government Pleader waives notice to respondent No.1 and learned State Public Prosecutor - 1 is directed to make submission in the matter.

3. Learned counsel for the petitioner to serve a copy of the petition papers upon the learned High Court Government Pleader, forthwith.

ORAL ORDER ON I.A.NO.1/2026

4. The petitioner is before this Court, now arrayed as an accused in Crime No.343 of 2026,

registered at the instance of one Nasreena, who, it is not in dispute, is an immigrant from Bangladesh, allegedly residing within the precincts of this city without any authority of law.

5. The foundational facts are neither disputed nor obscure. Respondent No.2 admittedly possesses no document authorising her to stay within the territory of this Nation. The Investigating Officer, who was then engaged in the inquiry concerning illegal immigrants, at **11.30 a.m. on 22.07.2026, addressed a communication to the Foreigners Regional Registration Office (FRRO)** recording that the complainant was an illegal immigrant residing in the city and recommending that she be lodged in a detention centre pending her deportation beyond the shores of this country.

6. The genesis of the said communication to the FRRO lies in the information furnished by the present petitioner, who had brought to the notice of the authorities that the complainant, along with others, was residing in the city as an illegal immigrant. Strikingly, within a fleeting span of **fifteen minutes, at 11.45 a.m.**, the very same complainant appeared before the jurisdictional police and lodged the impugned complaint alleging that the petitioner had assaulted her. The chronology of events speaks louder than words. At **11.30 a.m.**, the Investigating Officer had not noticed, much less recorded, any injury upon the complainant. Yet, within the next fifteen minutes, a criminal case springs into existence. The timing of the complaint, viewed in juxtaposition with the communication to the FRRO, prima facie portrays it as nothing but a retaliatory counterblast to the petitioner's act of bringing the complainant's illegal presence in the country to the notice of the authorities.

7. Matters assume a more disturbing complexion thereafter. The moment the complaint came to be registered, the police machinery swung into action with unusual alacrity. The petitioner was taken into custody and deprived of his liberty, only to be released on the following day. The sequence of events, at least at this stage, presents a textbook illustration of how the coercive powers of criminal law can be pressed into service in aid of a complaint which bears the

unmistakable imprint of retaliation rather than genuine grievance. Few instances could better exemplify an abuse of the process of law.

8. Equally baffling is the manner in which the crime itself came to be registered. Even a plain reading of the complaint does not disclose any discernible infliction of injury. Yet, the criminal law was set in motion without the most elementary scrutiny. Courts cannot remain oblivious to situations where the criminal justice system is employed, not as an instrument to redress legitimate wrongs, but as a shield to protect those whose very presence in the country is under serious legal cloud, while simultaneously turning the sword of prosecution against the individual who had brought such illegality to the notice of the competent authorities. Such a course, if permitted, would erode public confidence in the administration of criminal justice.

9. The complaint itself is dated **22.07.2026**. Significantly, while the complainant describes her place of residence as Bengaluru, she simultaneously discloses herself to be a resident of Bangladesh. This circumstance, by itself, ought to have prompted the Station House Officer to undertake a preliminary verification as to the authenticity of the allegations and the surrounding circumstances before hastening to arrest the petitioner. The liberty of a citizen cannot become collateral damage in the wake of a complaint that demanded careful scrutiny rather than unquestioning acceptance.

10. In the aforesaid circumstances, the learned Special Public Prosecutor shall secure instructions as to how such a crime came to be registered in the complete absence of any medical examination or contemporaneous material disclosing injury, and as to how the petitioner was taken into custody on the strength of a complaint which, at least prima facie, appears to be bereft of credibility.

11. Therefore, there shall be an **interim order staying further investigation** in Crime No.343 of 2026 registered by the Bellanduru Police Station, now pending on the file of the **41st Additional Chief**

Judicial Magistrate, Bengaluru, until further orders of this Court.

12. The **Foreigners Regional Registration Office (FRRO)** shall be impleaded as an additional respondent to these proceedings.

13. Sri Vinay Venugopal, learned Central Government Senior Panel Counsel, is directed to accept notice on behalf of the FRRO and obtain instructions regarding the present status of the complainant and the other illegal immigrants referred to in the communication, particularly whether appropriate proceedings have been initiated to deport them beyond the territorial boundaries of this nation.

14. Tag this petition along with **Criminal Petition No.11265 of 2026** and list the matters on **06.08.2026** under the caption '**Fresh Matters**'."

In the light of the issue being solitary in Crl.P.No.11258/2026 and the subject petition, further investigation, qua the petitioner, remains stayed, till the next date of hearing.

Tag this petition along with Criminal Petition No.11258 of 2026 and list these matters on **20.08.2026**."

In the light of the interim orders passed by this Court, the investigation remained stayed in both the subject crimes.

5. The learned counsel Sri **Girish Bharadwaj** in a challenge to criminal petitions so filed would vehemently contend that the petitioner only took the Police to the place where illegal immigrants had put up makeshift houses or sheds. The complainants in all these cases seek to register complaints before different Police

Stations still showing their residence as a place in Bangladesh which clearly indicates that they are illegally staying in the country and this illegality had been projected by the petitioner. An incident is said to have happened between 1.39 p.m. and 3.30 p.m. on 18-07-2026. The complainant in Crime No.343 of 2026 appears to have appeared before the jurisdictional Police even before commission of the incident. The learned counsel would thus submit that the complaint of illegal immigrants being projected has now resulted in the petitioner himself being dragged into the dragnet of crime. He would submit that if this is permitted it would become an abuse of the process of law and permitting retaliatory tactics to get away with them being sent out of the country. The complainants, in both these cases, have remained unrepresented throughout.

6. The learned State Public Prosecutor – I Sri **B N Jagadeesha** would seek to defend the action of registration of the crimes, as the allegations in the crimes project certain assault by the petitioner upon illegal immigrants. Therefore, the crimes had to be registered. Insofar as investigation is concerned, he would leave

the decision to the hands of the Court, as the complainants who have registered the complaints are to be seen nowhere.

7. The FRRO who was directed to be impleaded is now represented by the Sri **Arvind Kamath**, the Additional Solicitor General of India. He would submit that, in terms of Standard Operating Procedure drawn to drive away illegal immigrants, action would be taken to send these people out of the country. He would submit that the complainants are on movement restriction orders along with others and would admit that they are illegally staying in the country in terms of the preliminary finding of the FRRO. He would submit that action would be taken in terms of Standard Operating Procedure.

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

9. The afore-narrated facts, read in conjunction with the interim orders passed from time to time, capture the entire gamut of the controversy. Since the genesis of the proceedings lies in the

complaints which culminated in registration of the two crimes, it becomes necessary to notice their contents. The complaint in Crime No.488 of 2026 reads as follows:

“ರವರಿಗೆ,

ದಿನಾಂಕ: 18.07.2026

ರಾಣಾಧಿಕಾರಿಗಳು,
ವರ್ತೂರು ಪೊಲೀಸ್ ಠಾಣೆ,
ಬೆಂಗಳೂರು ನಗರ.

ಇಂದ

ಮೊಹಮ್ಮದ್ ಸೈದುಲ್ ಇಸ್ಲಾಂ ಬಿನ್ ಇಜುಲ್ ಇಸ್ಲಾಂ, ವಯಸ್ಸು 45 ವರ್ಷ,
ವಾಸ ಕೇರ್ ಆಫ್ ಮುನಿರಾಜು ರವರ ಲೇಬರ್ ಶೆಡ್,
ಕೊಡತಿ ಗ್ರಾಮ, ಸರ್ಕಾರಿ ಶಾಲೆ ಹಿಂಭಾಗ, ಕೊಡತಿ ಗ್ರಾಮ,
ಸರ್ಜಾಪುರ ರಸ್ತೆ, ಬೆಂಗಳೂರು ನಗರ.
ಸ್ವಂತ ವಿಳಾಸ: ಜಾಶೋರ್ ಗ್ರಾಮ, ಸೌತ್ ವೆಸ್ಟ್
ರಾಷ್ಟ್ರೀಯತೆ: ಬಾಂಗ್ಲಾದೇಶ

ವಿಷಯ: ನಮ್ಮನ್ನು ಅಡ್ಡಹಾಕಿ, ಅವಾಚ್ಚು ಶಬ್ದಗಳಿಂದ ಬೈದು ಕೈಗಳಿಂದ ಹಲ್ಲೆ
ಮಾಡಿರುವ ಆಸಾಮಿಗಳ ವಿರುದ್ಧ ದೂರು.

ನಾನು ಮೂಲತಃ ಬಾಂಗ್ಲಾದೇಶದ ನಿವಾಸಿಯಾಗಿದ್ದು, ಕೆಲವು ವರ್ಷಗಳ ಹಿಂದೆ ಬೆಂಗಳೂರಿಗೆ ಬಂದು ವಿವಿಧ ಕಡೆಗಳಲ್ಲಿ ನೆಲೆಸಿ ಕೂಲಿ ಕೆಲಸ ಮಾಡುತ್ತಾ ಜೀವನ ನಡೆಸುತ್ತಿದ್ದೇನೆ. ಈಗ 15 ದಿನಗಳ ಹಿಂದೆ ಇದೇ ಬೆಂಗಳೂರು ನಗರದ ಸರ್ಜಾಪುರ ಮುಖ್ಯರಸ್ತೆಯ ಕೊಡತಿ ಗ್ರಾಮದ ಸರ್ಕಾರಿ ಶಾಲೆಯ ಹಿಂಭಾಗ ಇರುವಂತಹ ಮುನಿರಾಜು ಎಂಬುವವರ ಲೇಬರ್ ಶೆಡ್‌ನಲ್ಲಿ ಶೆಡ್ ಅನ್ನು ಬಾಡಿಗೆಗೆ ಪಡೆದುಕೊಂಡು ವಾಸವಾಗಿದ್ದು, ನನ್ನಂತೆಯೇ ಅದೇ ಜಾಗದಲ್ಲಿರುವ ಇತರ ಲೇಬರ್ ಶೆಡ್‌ಗಳಲ್ಲಿ ಬಾಂಗ್ಲಾದೇಶದವರುಗಳಾದ ಜಲೀಲ್ ಶೇಖ್, ಮೊಹಮ್ಮದ್ ನಿತುಲ್ ಶೇಖ್, ರೇಣು ಬೇಗಂ, ಶಾಹಿದ ಬೇಗಂ, ಲೈಜು ಎಂಬುವವರುಗಳು ಸಹ ವಾಸವಾಗಿರುತ್ತಾರೆ.

ಹೀಗಿರುವಾಗ ದಿನಾಂಕ:-17-07-2026, ರಂದು ಮಧ್ಯಾಹ್ನ 15:30 ಗಂಟೆಯಲ್ಲಿ ಶೆಡ್‌ಗಳ ಬಳಿ ಇರಬೇಕಾದರೆ ಕೆಲವು ಆಸಾಮಿಗಳು ಏಕಾ ಏಕಿ ಶೆಡ್‌ಗಳ ಬಳಿ ಬಂದು ನನ್ನನ್ನು ಮತ್ತು ಜಲೀಲ್ ಶೇಖ್,

ಮೊಹಮ್ಮದ್ ನಿತುಲ್ ಶೇಕ್, ರೇಣು ಬೇಗಂ, ಶಾಹಿದ ಬೇಗಂ, ಲೈಜು ರವರುಗಳನ್ನು ಅಡ್ಡಗಟ್ಟಿ ನಿಲ್ಲಿಸಿ, ನಮ್ಮನ್ನು ಒತ್ತಾಯಪೂರ್ವಕವಾಗಿ ಸಾಲಾಗಿ ಕೂರಿಸಿ ನಮ್ಮನ್ನು ಉದ್ದೇಶಿಸುತ್ತಾ ನೀವು ಬಾಂಗ್ಲಾದೇಶದ ಪ್ರಜೆಗಳು ಅಲ್ಪಾ ಯಾಕೆ ಇಲ್ಲಿಗೆ ಬಂದು ಅಕ್ರಮವಾಗಿ ನಮ್ಮ ದೇಶದಲ್ಲಿ ವಾಸವಾಗಿದ್ದೀರಾ, ಅಂತ ಕೇಳಿದರು ಆಗ ನಾನು ಕೆಲವು ವರ್ಷಗಳಿಂದ ಭಾರತದಲ್ಲಿಯೇ ವಾಸವಾಗಿದ್ದು ಕೂಲಿ ಕೆಲಸ ಮಾಡುತ್ತಾ ಜೀವನ ನಡೆಸುತ್ತಿದ್ದೇನೆಂದು ಹೇಳಿದೆವು. ಮುಂದುವರೆದು ಸದರಿ ಆಸಾಮಿಗಳು ನನಗೆ ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ಬೈದು, ನೀವು ಬಾಂಗ್ಲಾದೇಶದಿಂದ ಬಂದಿದ್ದೀರಾ. ನಾವು ಹೇಳಿಕೊಟ್ಟ ಹಾಗೆ ನೀವು ಅದನ್ನು ಹೇಳಬೇಕು ಇಲ್ಲದೆ ಹೋದರೆ ನಿಮಗೆ ಒಂದು ಗತಿ ಕಾಣಿಸುತ್ತೇನೆ. ಅಂತ ಹೇಳಿ, ಕೈಗಳಿಂದ ನನಗೆ ಹೊಡೆದಿರುತ್ತಾರೆ. ನಂತರ "ನೀವು ಪೊಲೀಸರಿಗೆ ದುಡ್ಡು ಕೊಡುತ್ತೀರಾ ಅಲ್ಪಾ ಅಂತ ಕೇಳಿದ್ದು ನಾವು ಇಲ್ಲ ಎಂದು ಹೇಳಿದರೂ ಸಹ ನಮ್ಮಿಂದ ಒತ್ತಾಯ ಪೂರ್ವಕವಾಗಿ ಅವರು ಹೇಳಿ ಕೊಟ್ಟಂತೆ ನನ್ನ ಕಡೆಯಿಂದ ಹೇಳಿಸಿ ಅದನ್ನು ವಿಡಿಯೋ ಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ. ಸದರಿ ಆಸಾಮಿಗಳಲ್ಲಿನ ಒಬ್ಬ ವ್ಯಕ್ತಿಯ ಹೆಸರು ನಾಗೇಂದ್ರಪ್ಪ ಎಂಬುದಾಗಿ ತಿಳಿದುಬಂದಿದ್ದು, ಇತರರ ಹೆಸರುಗಳು ನನಗೆ ತಿಳಿದುಬಂದಿರುವುದಿಲ್ಲ.

ಮೇಲ್ಕಂಡಂತೆ ನನಗೆ ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ಬೈದು, ನಮ್ಮನ್ನು ಅಡ್ಡಗಟ್ಟಿ, ನನಗೆ ಕೈಗಳಿಂದ ಹಲ್ಲೆ ಮಾಡಿದ ಆಸಾಮಿಗಳಾದ1)ನಾಗೇಂದ್ರಪ್ಪ ಮತ್ತು ಇತರರ ವಿರುದ್ಧ ಕಾನೂನು ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ಕೋರುತ್ತೇನೆ ಅಂತ ಹೇಳಿಕೆ ನೀಡಿರುತ್ತೇನೆ

ಸಹಿ/-

ಇಂತಿ ತಮ್ಮ ವಿಶ್ವಾಸಿ."

The complaint in Crime No.343 of 2026 reads as follows:

"ರವರಿಗೆ,

ದಿನಾಂಕ : 22/07/2026

ಪೊಲೀಸ್ ಸಬ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್,
ಬೆಳ್ಳಂದೂರು ಪೊಲೀಸ್ ಠಾಣೆ,
ಬೆಂಗಳೂರು ನಗರ.

ಇಂದ,

ಶ್ರೀಮತಿ ನಸೀನಾ ಕೋಂ ಮೊಹಮ್ಮದ್ ಬಿಲಾಲ್,
ವಯಸ್ಸು 23 ವರ್ಷ, ಡಿಎಸ್ ಮ್ಯಾಕ್ಸ್ ಅಪಾರ್ಟ್‌ಮೆಂಟ್ ಹತ್ತಿರ,
ಹಾಡೋ ಸಿದ್ಧಾಪುರ ಗ್ರಾಮ, ಬೆಂಗಳೂರು ನಗರ,

ಮೊ.ನಂ.8904586839, ಸ್ವಂತ ವಿಳಾಸ:- ರಾಜ್‌ಪುರ್ ಗ್ರಾಮ,
ವಶ್ವಿಮ ರಾಜ್‌ಪುರ್ ಪೋಸ್ಟ್, ಶರಣ್ ಕೊಳ್ಳ ರಂದಾ ಪೊಲೀಸ್ ಠಾಣೆ,
ಬಫೇರಾ ಜಿಲ್ಲೆ, ಬಾಂಗ್ಲಾದೇಶ ರಾಷ್ಟ್ರ

ಮಾನ್ಯರೇ,

ವಿಷಯ: ಡಾ|| ನಾಗೇಂದ್ರ ರವರ ವಿರುದ್ಧ ಕಾನೂನು ಕರಮ ಜರುಗಿಸಲು ಕೋರಿ

ನಾನು ಮೇಲ್ಕಂಡ ವಿಳಾಸದಲ್ಲಿ ಕುಟುಂಬ ಸಮೇತವಾಗಿದ್ದುಕೊಂಡು ಜೀವನಕ್ಕಾಗಿ ಸುಮಾರು 4 ವರ್ಷಗಳಿಂದ ಡಿಎಸ್ ಮ್ಯಾಕ್ಸ್ ಅಪಾರ್ಟ್‌ಮೆಂಟ್‌ನಲ್ಲಿ ಕುಕ್ಕಿಂಗ್ ಕೆಲಸ ಮಾಡಿಕೊಂಡಿರುತ್ತೇನೆ. ನನ್ನ ಗಂಡ ಮೊಹಮ್ಮದ್ ಬಿಲಾಲ್ ರವರು ಕೊಡತಿ ಗೇಟ್‌ನಲ್ಲಿರುವ ಪೆಪ್ಸಿ ಕಂಪನಿಯಲ್ಲಿ ಡ್ರೈವಿಂಗ್ ಕೆಲಸ ಮಾಡಿಕೊಂಡಿರುತ್ತೇನೆ. ನಮಗೆ ಇಬ್ಬರು ಮಕ್ಕಳಿದ್ದು, 1ನೇ ರೀಪತ್, 2ನೇ ಅರಾಪತ್ ರವರಿದ್ದು ಸ್ವಂತ ಊರಿನಲ್ಲಿ ವಾಸಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ. ನಾನು ಎಂದಿನಂತೆ ಪ್ರತಿ ದಿನ ಬೆಳಿಗ್ಗೆ 06-00 ಗಂಟೆಯಿಂದ 11-00 ಗಂಟೆಯವರೆಗೆ ಹಾಗೂ ಸಂಜೆ 04-00 ಗಂಟೆಯಿಂದ 08-00 ಗಂಟೆಯವರೆಗೆ ಕುಕ್ಕಿಂಗ್ ಕೆಲಸ ಮಾಡಿಕೊಂಡು ವಾಪಾಸ್ಸು ಮನೆಗೆ ಬಂದು ವಾಸಮಾಡಿಕೊಂಡಿರುತ್ತೇನೆ.

ಹಿಗಿರುವಾಗ್ಗೆ ಈ ದಿನ ದಿನಾಂಕ: 22/07/2026 ರಂದು ಬೆಳಿಗ್ಗೆ 06-00 ಗಂಟೆಗೆ ಕುಕ್ಕಿಂಗ್ ಕೆಲಸಕ್ಕೆ ಹೋಗಿ ಬೆಳಿಗ್ಗೆ ಸುಮಾರು 10-45 ಗಂಟೆಯ ಸಮಯದಲ್ಲಿ ನನ್ನ ಗಂಡ ಮೊಹಮ್ಮದ್ ಬಿಲಾಲ್ ರವರಿಗೆ ಕರೆ ಮಾಡಿ ನಾವಿಬ್ಬರು ಜೊತೆಗೆ ಮನೆಗೆ ಹೋಗೋಣ ಬಾ ಎಂದು ತಿಳಿಸಿದೆನು. ತದನಂತರ ನಾನು ಕೆಲಸ ಮುಗಿಸಿಕೊಂಡು ಸುಮಾರು 11-00 ಗಂಟೆಯ ಸಮಯದಲ್ಲಿ ನಾನು ಮತ್ತು ನನ್ನ ಗಂಡ ಮೊಹಮ್ಮದ್ ಬಿಲಾಲ್ ರವರು ಸರ್ಜಾಪುರ ಮುಖ್ಯ ರಸ್ತೆಯಿಂದ ಹಾಡೋಸಿದ್ದಾಪುರ ರಸ್ತೆಯ ಕಡೆಗೆ ನಡೆದುಕೊಂಡು ಹೋಗುತ್ತಿದ್ದೇವು. ಆ ಸಮಯದಲ್ಲಿ ಏಕಾಏಕಿ ಒಬ್ಬ ಅಪರಿಚಿತ ವ್ಯಕ್ತಿ ಬಂದು ನನ್ನನ್ನು ಮತ್ತು ನನ್ನ ಗಂಡ ಮೊಹಮ್ಮದ್ ಬಿಲಾಲ್ ರವರನ್ನು ಅಡ್ಡಗಟ್ಟಿ ನಮ್ಮನ್ನು ಹಿಡಿದುಕೊಂಡು ತನ್ನ ಹೆಸರು ಡಾ|| ನಾಗೇಂದ್ರ, ಸಾಯಿ ಕ್ಲಿನಿಕ್, ಬೆಟ್ಟದಾಸಪುರ, ಬೆಂಗಳೂರು ನಗರ ಎಂದು ತಿಳಿಸಿ ನೀವು ಬಾಂಗ್ಲಾ ದೇಶದವರು ಎಂದು ಇಲ್ಲಿ ಯಾಕೆ ವಾಸಮಾಡಿಕೊಂಡಿರುತ್ತೀರಿ? ಏನು ಕೆಲಸ ಮಾಡುತ್ತೀರಾ? ಎಂದು ನೀವು ಬಾಂಗ್ಲಾ ದೇಶದವರು ಎಂದು ಹೇಳಿ ಜೋರಾಗಿ ಬೆದರಿಸಿರುತ್ತಾನೆ. ನಾನು ಮಹಿಳೆಯು ಎಂದು ತಿಳಿದಿದ್ದರೂ ಸಹ ಅವಮಾನ ಮಾಡುವ ಉದ್ದೇಶದಿಂದ ಸಾರ್ವಜನಿಕ ಸ್ಥಳದಲ್ಲಿ ಏಕವಚನದಲ್ಲಿ ಮಾತನಾಡಿ ನನ್ನನ್ನು ಹಿಡಿದು ಎಳೆದಾಡಿ ಕೈಗಳಿಂದ ಹೊಡೆದಿರುತ್ತಾನೆ. ನನ್ನ ಗಂಡನಿಗೂ ಸಹ ಕೈಗಳಿಂದ ಸುಮಾರು 4 ರಿಂದ 5 ಬಾರಿ ತಲೆಯ ಮೇಲೆ ಹಾಗೂ ಬೆನ್ನಿನ ಮೇಲೆ ಹೊಡೆದು ಹಲ್ಲೆ ಮಾಡಿರುತ್ತಾನೆ. ನನ್ನ ಗಂಡ ಮೊಹಮ್ಮದ್ ಬಿಲಾಲ್ ರವರನ್ನು ನೆಲಕ್ಕೆ ಕೆಳಗೆಡೆ ಕೆಡಗಿ ಕಾಲಿನಿಂದ ಒದ್ದಿರುತ್ತಾನೆ ಆಗ ನಾನು ಕೇಳಿದ್ದಕ್ಕೆ ನನಗೆ ಕೆಟ್ಟದಾಗಿ ಹಿಂದಿ ಭಾಷೆಯಲ್ಲಿ “ ತುಮ್ ಚುಪ್ ರಹೋ, ನಹೀ ಮಾರುಂಗಾ, ಮಾದರ್ ಚೋದ್, ತುಮ್ ಕಿಸಿಕೋ ಬೋಲಾ ತೋ ಮಾರ್ ದುಂಗಾ” ಎಂದು ಕೆಟ್ಟದಾಗಿ ಬೈದು, ಪ್ರಾಣ ಬೆದರಿಕೆ ಹಾಕಿರುತ್ತಾನೆ.

ಆದ್ದರಿಂದ ನನ್ನ ಹಾಗೂ ನನ್ನ ಗಂಡ ಮೊಹಮ್ಮದ್ ಬಿಲಾಲ್ ರವರನ್ನು ರಸ್ತೆಯಲ್ಲಿ ಅಡ್ಡಗಟ್ಟಿ, ನಾನು ಮಹಿಳೆಯೆಂದು ತಿಳಿದಿದ್ದರೂ ಸಹ ನನಗೆ ಅವಮಾನ ಮಾಡುವ ಉದ್ದೇಶದಿಂದ ಸಾರ್ವಜನಿಕ ಸ್ಥಳದಲ್ಲಿ ಎಳೆದಾಡಿ ಕೈಗಳಿಂದ ನನಗೆ ಮತ್ತು ನನ್ನ ಗಂಡನಿಗೆ ಹಲ್ಲೆ ಮಾಡಿ, ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ಬೈದು, ಪ್ರಾಣ ಬೆದರಿಕೆ ಹಾಕಿರುವ ಡಾ॥ ನಾಗೇಂದ್ರ ರವರ ವಿರುದ್ಧ ಕಾನೂನು ಕ್ರಮ ಜರುಗಿಸಬೇಕೆಂದು ತಮ್ಮಲ್ಲಿ ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

ನಾನು ಹಿಂದಿ ಭಾಷೆಯಲ್ಲಿ ಹೇಳಿದ್ದನ್ನು ಕನ್ನಡ ಭಾಷೆಯಲ್ಲಿ
ಟೈಪ್ ಮಾಡಿದ್ದು, ಕನ್ನಡ ಭಾಷೆಯಲ್ಲಿ ಟೈಪ್ ಮಾಡಿದ್ದನ್ನು
ಹಿಂದಿ ಭಾಷೆಗೆ ತರ್ಜುಮೆ ಮಾಡಿ ಹೇಳಲಾಗಿ ಸರಿಯಿದೆ
ग्राहिसि

ಹಿಂದಿ ಭಾಷೆಯಲ್ಲಿ ಹೇಳಿದ್ದನ್ನು ಕನ್ನಡ ಭಾಷೆಯಲ್ಲಿ
ತರ್ಜುಮೆ ಮಾಡಿ ಟೈಪ್ ಮಾಡಿದವರ ಸಹಿ
ಸಹಿ/- pc16039"

A striking feature common to both complaints cannot escape notice. The complainants themselves furnish an address in Bangladesh while simultaneously claiming residence in the vicinity of an apartment in Bengaluru. The material placed before the Court further indicates that they did not possess documents authorising their stay in India and were thereafter dealt with by the authorities as persons staying in the country without lawful authority. It is against this backdrop that the registration of the crimes against the petitioner assumes significance.

10. In Criminal Petition No.11258 of 2026, the complainant admittedly possessed no document authorising her continued stay

within the territory of India. The chronology of events is even more telling. Upon registration of the crime concerning her unauthorised stay, the Investigating Officer undertook an enquiry and, at **11.30 a.m. on 22-07-2026**, addressed a communication recommending that the complainant be lodged in a detention centre. Barely **fifteen minutes thereafter, at 11.45 a.m.**, the very same complainant appears before the Bellandur Police Station and lodges a complaint alleging that she had been assaulted and threatened in a loud voice.

11. The proximity of these events is too conspicuous to be brushed aside as a mere coincidence. At 11.30 a.m., when the Investigating Officer was dealing with the complainant in connection with her unauthorised stay, there appears to have been no contemporaneous indication of the assault which, within fifteen minutes, became the foundation of a criminal complaint. This sequence of events casts a serious shadow over the genesis and bona fides of the prosecution.

12. What disturbs the conscience of this Court is not merely the registration of an FIR, but the extraordinary sequence in which

the criminal process appears to have been invoked. Criminal law is undoubtedly available to every person within the territory of India for redress against an offence; immigration status, by itself, cannot denude a person of the protection of law. Equally, however, the criminal justice system cannot be permitted to become an instrument of retaliation against a person who brings an allegedly unlawful stay to the notice of the authorities. On the facts obtaining in the case at hand, the chronology bears a pronounced imprint of retaliation and warrants scrutiny through the prism of abuse of process.

13. The case of the complainant in Criminal Petition No.11265 of 2026, which forms the fulcrum of Crime No.488 of 2026, travels on a similar trajectory. The complainant, one **Mohammed Saidul Islam**, alleges that the petitioner wrongfully restrained and assaulted him on the suspicion that persons residing in the labour shed were nationals of Bangladesh. The complaint states that the incident occurred between **3.30 p.m. and 4.00 p.m. on 18-07-2026**, whereas the petitioner asserts that the relevant events occurred between **1.39 p.m. and 3.30 p.m.** on that day. The

complainant thereafter approached the jurisdictional Police at about **9.45 p.m.**, narrated the alleged assault and the crime came to be registered. The status of the complainant, however, is illuminated by the communication dated **20-07-2026** addressed to the FRRO. The communication reads as follows:

POLICE INSPECTOR
VARTHUR POLICE STATION
BANGALORE CITY
080-28539196
e-mail: pivarthurbep@ksp.gov.in
DATE: 20.07.2026

NO: VPS/FRRO/04/2026

To
The Director
Foreigners Regional Registration Office
Bureau of Immigration (M.H.A), Government of India
5th Floor, A Block, TTMC, BMTC Bus Stand Building
K.H. Road, Shanti Nagar
Bangalore - 560027

Respected Sir,

Subject: Production of Illegal Foreigners are 1) LAIGU, 2) Mohamada Hahidulla 3) MD Iton Sekh 4) Renu 5) Ahidul Islam (Ripon) and 6) MD Sahida Begum of Bangladesh citizens

Reference: 1. DGP ISD Letter No-04/BD/ISD/2022-04, Dated: 26.02.2024
2. DCP Office ISD No: 13/SMK/BD/ISD/2024, Dated: 05.02.2024

With reference to the above subject & foreign nationals, 1) LAIGU, 2) Mohamada Hahidulla 3) MD Iton Sekh 4) Renu 5) Ahidul Islam (Ripon) and 6) MD Sahida Begum was detained within the Kodathi Gate, Sarjapura Road, Varthur Bangalore, Varthur Police Station limits on 20.07.2026 at 10.00 hrs. Upon inquiry, They were stated that They are the citizens of the Bangladesh. They were came india illegaly and residing in India illegaly since then.

Therefore, the aforementioned individuals, 1) LAIGU, 2) Mohamada Hahidulla 3) MD Iton Sekh 4) Renu 5) Ahidul Islam (Ripon) and 6) MD Sahida Begum the citizens of Bangladesh is identified as an illegal Bangladesh and They hereby produced for further necessary action.

The following Police Officials entrusted for production of this above illegal foreigners 1) LAIGU, 2) Mohamada Hahidulla 3) MD Iton Sekh 4) Renu 5) Ahidul Islam (Ripon) and 6) MD Sahida Begum.

1. Sri Vijay.v, ASI
2. Sri Prakash Rathod, HC -13141
3. Sri Sanjay rathod, PC-17875
4. Sneha Wpc-23309

Enclosure: ID Proofs are enclosed.

The above Bangladesh nationals may be be profiled.

refused

Yours sincerely,
[Signature]
ಪೊಲೀಸ್ ಐನ್ಸ್ಪೆಕ್ಟರ್
ವರ್ತುರ್ ಪೊಲೀಸ್ ಠಾಣೆ
ಬೆಂಗಳೂರು ನಗರ

The said communication refers to the complainant, as person detained on account of his unauthorised entry and stay in India.

This was followed by a movement restriction order passed by the FRRO, one of which reads as follows:



Foreigners Regional Registration Office,
Bureau of Immigration,
(M.H.A.) Government Of India,
5th Floor 'A' Block, TTMC,
BMTB Bus Stand Building, K.H.Road,
Shanthinagar, Bengaluru-560027.
Ph.No.: 080-22218191
Email: frroblr-ka@nic.in

No: FRRO/BOI/BLR/MRO/2026 -೨೪೭

Dated: 20.07.2026

MOVEMENT RESTRICTION ORDER

With reference to the request letter dated 20.07.2026 of **The Police Inspector, Varthuru Police Station, Bengaluru City, Karnataka. I, Foreigners Regional Registration Officer**, in pursuance of notification of the Government of India, Ministry of Home Affairs, vide number S.O. 3990 (E), dated 01.09.2025, after due verification of available records and thoroughly profiling of the persons to my satisfaction, hereby impose the following restrictions under clause (f) of Sub Section (2) of Section 7 of the Immigration and Foreigners Act, 2025 and under Para 8 of the Immigration and Foreigners Order, 2025 on the following foreigners with immediate effect:

Sl No.	Name	Nationality	Documents
01	Mohammada Hahidulla @ Abdul Jalil Sheikh	Bangladesh	Nat ID No.3748304056
02	Md Liton Sekh	Bangladesh	Citizenship card & Character Certificate
03	Ahidul Islam (Ripon)	Bangladesh	Birth Certificate No. 19804124716075473

Produced by Police personnel of **Varthuru Police Station, Bengaluru City.**

The above mentioned foreign nationals are being referred to the **Jeevan Deep Foundation, Domsandra, Bengaluru** under Varthuru Police Station limits with immediate effect. **they will not move out of the Jeevan Deep Foundation till his repatriation**, as there is every likelihood that they may disappear and indulge in undesirable activities.

Non-compliance of this order will render them liable for prosecution under Section 23 of The Immigration and Foreigners Act, 2025. The police personnel of **Varthuru Police Station, Bengaluru City** are escorting the above foreign nationals from office of the FRRO Bangalore to **Jeevan Deep Foundation, Domsandra, Bengaluru.**


Foreigners Regional Registration Officer

14. The documents thus placed before the Court lend considerable significance to the petitioner's contention that the complaints followed his act of bringing the alleged unauthorised stay of the complainants to the notice of the authorities. The criminal process, solemn as it is, cannot be converted into a retaliatory weapon to silence the informant, merely because the information furnished by him has set the machinery of immigration

enforcement in motion. The Court is conscious that the police cannot decline registration merely because the informant happens to be a foreign national or is alleged to be unlawfully staying in India. Where information discloses commission of a cognizable offence, the law governing registration of an FIR must take its course. But registration is not the terminus of judicial scrutiny. When contemporaneous official records, the chronology of events and the attendant circumstances together demonstrate that the prosecution is manifestly actuated by vengeance, the constitutional Court cannot remain a mute spectator and permit the criminal process itself to become the punishment.

15. The circumstances obtaining in both crimes, viewed cumulatively, reveal a pattern too stark to be ignored. The persons against whom proceedings relating to unauthorised stay had commenced almost contemporaneously set the criminal law in motion against the very petitioner who had complained of their presence. The criminal justice system cannot be allowed to be turned on its head - where the person who reports an alleged

illegality finds himself pursued by the criminal process at the instance of those against whom his information was directed.

16. It is precisely such misuse of criminal process that falls within the principles enunciated by the Apex Court in the case of **STATE OF HARYANA v. BHAJAN LAL**¹, 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

¹ **1992 Supp (1) SCC 335**

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.
- (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."

(Emphasis supplied)

Paragraph 102 of the afore-quoted judgment of the Apex Court recognises, *inter alia*, cases where the allegations are inherently

improbable and cases where criminal proceedings are manifestly attended with *mala fides* or maliciously instituted with the ulterior object of wreaking vengeance as illustrative categories warranting exercise of the extraordinary or inherent jurisdiction of the Court. When the facts of the case at hand are tested on the anvil of the aforesaid principles, the inference becomes irresistible. The chronology is not merely suspicious; it strikes at the very substratum of the prosecution. **The attendant circumstances and contemporaneous official material demonstrate that continuation of these proceedings would permit criminal law to be employed as an instrument of reprisal. A prosecution bearing such unmistakable indicia of *mala fides* cannot be allowed to acquire legitimacy merely because it has assumed the form of an FIR.**

17. The inherent jurisdiction exists precisely to interdict such abuse before the machinery of criminal law becomes an engine of harassment. **The Court would fail in its duty if, despite the circumstances staring at it from the record, it were to compel the petitioner to undergo the rigours of an**

investigation and prosecution which are demonstrably tainted at their inception. The two crimes, therefore, deserve to be obliterated and the criminal petitions consequently deserve to succeed.

18. This takes the Court to the writ petition, in which the petitioner seeks directions concerning the manner in which persons allegedly staying in India without lawful authority are to be dealt with. A **Standard Operating Procedure** is stated to govern the field. The relevant clauses and their purport are extracted hereunder:

"A. Demography of Illegal Migration: National Policy and Judicial Backdrop

1. It is submitted that India shares long, porous land and maritime borders with Bangladesh and Myanmar, and that cultural, ethnic and linguistic similarities across these borders mean unauthorised entry and settlement frequently go undetected for years, altering local demography, straining civic resources and raising serious security concerns. It is submitted that these very concerns stand expressly recorded by the Ministry of Home Affairs in its letter dated 08.08.2017 (Annexure M).
2. It is submitted that the gravity that unchecked illegal migration carries for constitutional governance is illustrated by the judgment of the Hon'ble Supreme Court in *Sarbananda Sonowal v. Union of India* (2005), wherein the large-scale, unchecked Influx of Bangladeshi nationals was held to amount to "external aggression" and internal

disturbance within the meaning of Article 355 of the Constitution, and the Union was held bound by its affirmative duty to protect the States, with a direction for rigorous enforcement of the Foreigners Act, 1946. It is further submitted that in *Assam Sanmilita Mahasangha v. Union of India* (2014), the Hon'ble Supreme Court directed a time-bound, monitored Identification of undocumented immigrants through updation of the National Register of Citizens. It is submitted that these decisions underscore that prompt identification and deportation of illegal migrants, far from being a matter of administrative discretion, has been treated by the Constitutional Courts as a facet of the State's duty under Article 355.

3. It is humbly submitted the Union Government in May 2026 constituted a High-Level Committee to study demographic changes arising from illegal immigration, headed by a former Judge of the Hon'ble Supreme Court. It is submitted that its terms of reference expressly include recommending a streamlined, institutional and permanent mechanism for the legally sound, fair and time-bound identification, detention and deportation of undocumented immigrants, and strengthening coordination between the Union and the States in managing demographic imbalance caused by such illegal migration.
4. It is most respectfully submitted that it is against this backdrop of illegal migration being treated by the Union Government and the Constitutional Courts as a matter directly implicating national security, Article 355 and the integrity of local demography that the conduct of the police in arresting the citizen-informant, while permitting the detected illegal immigrant to remain at large and prosecute a retaliatory complaint, calls for correction by this Hon'ble Court.

B. The Statutory Framework Governing Illegal Migrants

5. It is submitted that 'illegal migrant' is a defined statutory expression, and that Section 2(1)(b) of the Citizenship Act, 1955 defines it as a foreigner who has entered India

either without a valid passport, or who, having entered with valid documents, overstays beyond the permitted period. It is submitted that enforcement powers vest concurrently:

- (i) the police may arrest such a foreign national under Section 4 of the Passport (Entry into India) Act, 1920
- (ii) overstay is punishable under Section 14 of the Foreigners Act, 1946; and
- (iii) entry/stay without valid documents is punishable under Section 14A(b) of the Foreigners Act, 1946.

It is submitted that under the Foreigners Act, the burden of proving citizenship rests on the individual and not on the State. It is further submitted that these functions of the Central Government under Sections 3(2)(c) and 3(2)(e) of the Foreigners Act, 1946, Section 5 of the Passport (Entry into India) Act, 1920, and the Foreigners Order, 1948 stand delegated to the State Governments under Article 258(1) of the Constitution (Notification S.O. 590 dated 19.04.1958) and, for Union Territories, executed under Article 239 (Notification S.O. 591 dated 19.04.1958); that District SPs and DCPs designated as FRROS/FROS are the Registering Authorities under the Foreigners Order, 1948 and the Registration of Foreigners Rules, 1992 (Annexure L, paras 3-6) and that the Foreigners Act, 1946 itself now stands replaced by the Immigration and Foreigners Act, 2025, under which Sections 7(2), 13 and 29 continue to vest the Central Government and State Governments with the power and duty to detect, restrict and deport foreign nationals staying illegally.

- 6. It is submitted that by its letter dated 08.08.2017, the MHA directed all States to sensitize law-enforcement and intelligence agencies and to "initiate the deportation processes expeditiously and without delay" upon identification of illegal migrants (Annexure M, para 4).

C. The MHA Standard Operating Procedure Dated 02.05.2025 Detection, Identification, Detention and Deportation

7. It is submitted that the Ministry of Home Affairs, Foreigners Division, by its letter No. 25022/28/2020-F.I(Part-III) dated 02.05.2025 revised and consolidated the procedure for deportation of illegally staying Bangladeshi nationals and Rohingyas (Annexure L), and that its salient, mandatory features are as under:
- a. Interception at the border- Illegal Immigrants intercepted while crossing the border, land or maritime, are to be sent back immediately by the designated Border Guarding Force or Coast Guard, after capturing biometrics (fingerprints and facial photographs) and demographic details on the Foreigners Identification Portal (FIP) at <https://identification.mha.gov.in> (para 7.1).
 - b. Inadvertent border-crossers -If apprehended within the country near the border and found innocent after interrogation, they are handed over to the border-guarding force of the country of origin, again only after biometric capture; if not found innocent, they are handed over to the State Police for further action (para 8).
 - c. Detection within the country- Every State/UT is required to set up a Special Task Force in each District, under the District Police, specifically to detect, Identify and deport/send back illegal Bangladeshi/Myanmar immigrants settled in that State/UT (para 9(1))
 - d. Holding Centres - Every State is required to set up adequate Holding Centres in each District, under the State Police, to detain illegal immigrants pending deportation (para 9(ii)).
 - e. Verification within 30 days - Where a detected person claims Indian citizenship or residence elsewhere in India, the claim is to be verified by the Home Secretary or District Collector concerned within a period of 30 days; during this period the suspected person is to be kept in the Holding

Centre to ensure physical availability, and if no report is received within 30 days, the FRRO may proceed to deport the suspected person (para 9(Iv)).

- f. Confirmed identification-On a person being identified as an illegal immigrant, the State must immediately capture biometrics and demographic details on the FIP (para 9(v)) , and thereafter escort the person, under proper order issued under Section 3(2)(c) of the Foreigners Act, 1946, to the designated Border Guarding Force/Coast Guard for exit from India; such persons are also to be blacklisted (paras 9(vi) & (vii)).
- g. Reporting and accountability- A monthly report of persons handed over for deportation is mandatorily to be sent to the MHA through the FRRO by the 15th of the following month (para 9(xii)); the Bureau of Immigration is to publish and share a list of persons deported/sent back with the UIDAI, the Election Commission and other agencies granting identity documents/benefits, to enable deactivation of such benefits (para 9(xiii))."

The Standard Operating Procedure contemplates a comprehensive institutional mechanism at the district level for identification, verification and lawful action concerning persons residing within the territory of India without authority of law. The constitution of District Level Committees is an integral component of that mechanism. The procedure cannot be permitted to remain a mere executive proclamation, bereft of implementation. The jurisdictional police and the competent authorities must act in concert, within the

boundaries of law, to ensure that cases of unauthorised immigration are dealt with promptly and effectively. The material placed before this Court, however, does not satisfactorily demonstrate whether such Committees have been constituted throughout the State or whether they are functional. The State Government must, therefore, place on record, the district-wise particulars of their constitution, composition and functioning. **An executive protocol without an operational institutional mechanism is a promise without performance; a law without implementation is little more than an illusion of governance.**

19. If the Standard Operating Procedure mandates constitution of District Level Committees, its commands cannot remain ornamental words on paper. The machinery contemplated thereunder must exist and function in every district where the procedure so requires. A protocol devised to meet an identified administrative and security concern loses its very purpose, if the institutional apparatus contemplated by it, is either not constituted or remains dormant.

20. The State must ensure that allegations of unauthorised immigration are dealt with **promptly, uniformly and strictly in accordance with law**. Neither administrative apathy nor indiscriminate action can be countenanced. Persons found to be staying in India without lawful authority must be dealt with under the applicable statutory and executive framework; equally, no person can be deprived of the protection of law merely on account of nationality or immigration status.

21. Before parting, it may not be inapt to observe that, **illegal immigration is a bane which is not merely an infraction of the laws regulating entry into and residence within the territory of the nation. It presents a challenge to the sovereignty of the State, the integrity of its borders and the efficacy of its internal security apparatus. Unregulated and undocumented movement of persons across national frontiers, when left unchecked, has the potential to create serious vulnerabilities in the machinery of governance. It may facilitate identity fraud, exploitation by trafficking syndicates, organised criminal networks and other unlawful**

activities, besides placing unforeseen pressures upon public infrastructure, welfare administration and the legitimate distribution of public resources. A nation that loses sight of who enters its territory, who resides within it and under what authority such residence continues, risks weakening the very regulatory framework through which its sovereignty is exercised. The State cannot afford to be indifferent to unlawful immigration, for indifference today may become an institutional vulnerability tomorrow. Illegal immigration must be addressed with firmness. It is precisely to secure this balance that the Standard Operating Procedure must be implemented in letter and spirit, lest an issue requiring orderly legal administration become a recurring source of public discord.

22. The State Government shall, therefore, place the aforesaid particulars on record within the time stipulated by this Court. Failure to demonstrate compliance with the Standard Operating Procedure would necessarily invite further directions, for, an executive protocol framed to address a matter of such

consequence cannot be permitted to remain only a paper prescription.

23. For the aforesaid reasons, the following:

ORDER

- (i) **Criminal Petition Nos. 11258 of 2026 and 11265 of 2026 are allowed.**
- (ii) Crimes registered in Crime No. 343 of 2026 before Bellanduru Police Station and Crime No.488 of 2026 before Varthur Police Station stand obliterated.
- (iii) **Writ Petition No.24641 of 2026 stands disposed of** with a direction to the State Government to ensure the constitution and operationalisation of District Level Committees for dealing with cases of illegal immigration, strictly in consonance with the mandate of the Standard Operating Procedure.
- (iv) The State Government shall ensure that such Committees are constituted and made functional in all

districts where their constitution is mandated, **within an outer limit of three months** from the date of receipt of a copy of this order.

- (v) The State Government shall thereafter place before the Registry of this Court, in the subject petition, a comprehensive district-wise compliance report evidencing the constitution, composition and operational status of the Committees.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

bkp