



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 2168 OF 2026 (GM-RES)

BETWEEN:

MR P G JOSEPH THARAKAN
S/O. LATE GEORGE THARAKAN,
AGED ABOUT 60 YEARS,
RESIDING AS PER CHARGESHEET AT
'JAREIN MANSION', AQUEM,
MARGAO, GOA - 403601.
RESIDING AS PER CHARGESHEET ALSO AT
YURI GAGARIN STREET, NO. 117/40,
NEW BELGRADE, SERBIA.
ACTUALLY RESIDING AT
SHEIKHA LATIFA BUILDING,
FLAT NO. 210, BANIYAS ROAD,
DEIRA, DUBAI, U.A.E.

...PETITIONER

(BY SRI. B.K.SAMPATH KUMAR, SENIOR COUNSEL APPEARING FOR
SRI. SURAJ SAMPATH , ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY
THE HULIMAVU POLICE STATION,
REPRESENTED BY THE S.P.P.,
HIGH COURT BUILDING,
AMBEDKAR VEEDI,
BANGALORE – 560 001.
2. CENTRAL BUREAU OF INVESTIGATION (CBI),
ASSISTANT DIRECTOR (NCB),
INTERNATIONAL POLICE COOPERATION UNIT (IPCU),
PLOT NO. 5-B, 6TH FLOOR, A-WING,
CGO COMPLEX,
NEW DELHI-110 003.





3. MINISTRY OF PERSONNEL,
PUBLIC GRIEVANCES AND PENSIONS,
DEPARTMENT OF PERSONNEL AND TRAINING
MINISTRY OF PERSONNEL, P.G. A PENSIONS,
GOVERNMENT OF INDIA, NORTH BLOCK,
NEW DELHI – 110 001.
4. INTERNATIONAL CRIMINAL POLICE ORGANIZATION
(INTERPOL), GENERAL SECRETARIAT,
200, QUAI CHARLES DE GAULLE,
69006, LYON FRANCE.
5. THE UNION OF INDIA
MINISTRY OF EXTENAL AFFAIRS
REPRESENTED BY ITS SECRETARY
PATTLA HOUSE ANNEXE, TILAKMARG
NEWDELHI – 110 001.
6. DUBAI POLICE
UNITED ARAB EMIRATES,
REPRESENTED BY THE COMMANDER-IN-
CHIEF OF DUBAI POLICE
DUBAI POLICE GENERAL HEADQUARTERS
AI TIWAR1, DEIRA, DUBAI, DUBAI MUNICIPALITY
UNITED ARAB EMIRATES
7. MINISTRY OF INTERIOR
UNITED ARAB EMIRATES
REPRESENTED BY ITS MINISTER
ZAYED SPORT CITY, ARAB GULF STREET
NEAR TO SHAIKH ZAYED MOSQUE
ABU DHABI, UNITED ARAB EMIRATES.
8. MR. R. JAYVELU
S/O MR. RAMAMURTHY
AGED ABOUT 68 YEARS.
R/AT NO. 501/A4, 9TH MILE STONE
HULIMAVU
BENGALURU – 560 012.
(AMENDMENT CARRIED OUT
AS PER ORDER DATED: 13.03.2026)

...RESPONDENTS

(BY SRI. M.R.PATIL, HCGP FOR R-1
SRI. P. PRASANNA KUMAR, ADVOCATE FOR R-2
SRI. C.V.NAGESH, SENIOR COUNSEL APPEARING FOR
SRI. DARSHAN.R, ADVOCATE FOR R-8
SRI. H. MALLAN GOUD, CGSC FOR R-3 & R-5)



THIS W.P IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SECTION 528 OF BNSS PRAYING TO QUASHING THE IMPUGNED ORDER DATED 09.09.2024 IN C.C. NO. 15645/2024 (ANNEXURE -A) PASSED BY THE HON'BLE III ADDITIONAL CHIEF JUDICIAL MAGISTRATE AT BANGALORE.

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, the petitioner seeks the following reliefs:

“ i) Issue & Writ of Certiorari or any other appropriate wit, order or direction quashing the impugned Order dated 09.09.2024 in C.C. No. 15645/2024 (Annexure A) passed by the Hon'ble 111 Additional Chief Judicial Magistrate at Bangalore.

ii) Consequently, issue a Writ of Mandamus or any other appropriate order or direction directing the 2nd Respondent to request the 4th Respondent to immediately cancel the Red Corner Notice issued against the Petitioner (Annexure L) or alternatively, direct the 4th Respondent to immediately cancel the Red Corner Notice issued against the Petitioner (Annexure L).

iii) Declare that the subordinate Courts in the State of Karnataka, Including the Hon'ble III Additional Chief Judicial Magistrate at Bangalore, have no power to issue INTERPOL Notices and/or directions to the 4th Respondent.



iv) Lay down guidelines for the 1 Respondent Police if it wants to raise a request in future for an INTERPOL Red Corner Notice through the 2nd Respondent.

v) Direct payment of just and suitable compensation and costs, jointly and severally by the Respondents to the Petitioner.

vi) Grant such other reliefs as this Hon'ble Court deems fit considering the facts and circumstances of the case, in order to meet the e justice.”

2. Heard learned Senior counsel for the petitioner, learned HCGP for respondent No.1, learned counsel for respondent No.2, learned CGSC for respondent Nos.3 and 5 and learned Senior counsel for respondent No.8 and perused the material on record.

3. Learned Senior counsel for the petitioner would reiterate the various contentions urged in the petition and referred to the material on record in order to contend that the impugned order at Annexure-A dated 09.09.2024 passed by the Trial Court directing issuance of red corner notice against petitioner-accused No.2 is illegal, arbitrary and without jurisdiction or authority of law especially, in the absence of any statutory provision, rules or regulations in the Code of Criminal Procedure (Cr.P.C.) or



Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), which empowers, enables or authorises the learned Magistrate to issue such a red corner notice which deserves to be quashed. It is also submitted that the impugned order directing issuance of the consequent open dated warrant in English format as against the petitioner – accused No.2 also consequently deserves to be quashed.

4. Per contra, learned Senior Counsel for respondent No.8 as well as learned counsel for the remaining respondents would jointly submit that there is no merit in the petition and the same is liable to be dismissed.

5. As rightly contended by the learned Senior counsel for the petitioner, there is no provision in the Cr.P.C or BNSS, 2023 or any other statutory provision, rules or regulations, which enabled, empowered or authorised the learned Magistrate to pass the impugned order directing issuance of the red corner notice as against the petitioner as directed in the impugned order which is clearly illegal, arbitrary and without jurisdiction or authority of law and as such, the impugned order and red corner notice deserve to



be quashed to the said extent. So also, the consequent open dated warrant in English format issued as against the petitioner on the basis of the impugned red corner notice also deserves to be quashed subject to certain directions to be issued to the petitioner and respondents.

6. At this stage, learned Senior Counsel for the petitioner submits that the remaining prayer sought for in the petition would not be pressed for the present and his submission is placed on record.

7. In the result, I pass the following:

ORDER

(i) The petition is partly allowed.

(ii) The impugned order dated 09.09.2024 insofar as it relates to issuance of red corner notice against the petitioner-accused No.2, passed in C.C.No.15645/2024 by the III Additional Chief Judicial Magistrate, Bengaluru is hereby quashed.

(iii) Consequently, the impugned order insofar as it relates to issuing open dated warrant at Annexure-L as against the petitioner-accused No.2 is also hereby quashed, subject to the petitioner appearing before the Trial Court in C.C.No.15645/2024 on 27.04.2026.



(iv) Respondent No.2 - the Central Bureau of Investigation (CBI) is directed to inform respondent No.4 - International Criminal Police Organization (INTERPOL) about the present order to give effect to and implement the same as well as to enable compliance of this order and to ensure that the petitioner appears before the Trial Court on 27.04.2026 as stated *supra*.

(v) Similarly, respondent No.3 – Ministry of Personnel, Public Grievances and Pensions and respondent No.5- the Union of India, Ministry of External Affairs is directed to inform/intimate respondent Nos.6 and 7 - the Dubai Police and Ministry and authorities at Dubai, United Arab Emirates, about the present order to give effect to and implement the same as well as to enable compliance of this order and to ensure that the petitioner appears before the Trial Court on 27.04.2026 as stated *supra*.

Hand delivery of this order is permitted.

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**