



CNR: KAHC010005862025

NC: 2026:KHC:54360  
CRL.P No. 254 of 2025

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

**DATED THIS THE 30<sup>TH</sup> DAY OF SEPTEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ**

**CRIMINAL PETITION NO. 254 OF 2025 (482(Cr.PC) /**  
**528(BNSS)-)**

**BETWEEN:**

KIRAN POOJARY  
S/O RAMANNA POOJARI,  
AGED ABOUT 43 YEARS,  
AARJI GRAMA, PERUMBADI,  
VIRAJPET.  
PRESENT ADDRESS AT:  
H/NO. 310, SINQUETIM, NAVELIM,  
SOUTH GOA, NAVELIM, GOA-403707.

...PETITIONER

(BY SRI. VINITHA P C.,ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
BY FOREST CONSERVATION OFFICER,  
FOREST DEPARTMENT SUB DIVISION,  
MADIKERI-571201  
REP BY SPP HIGH COURT OF KARNATAKA  
AT BANGALORE-560001.

2. DINCY DECHAMMA V M  
RANGE FOREST OFFICER,  
BRAHMAGIRI WILDLIFE RANGE,  
MAKUTTA-571218.

...RESPONDENTS

(BY SMT. RASHMI PATEL., HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482  
CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE ENTIRE  
PROCEEDINGS IN CC.NO.798/2022 FILED BY THE RESPONDENT FOR  
THE OFFENCES PUNISHABLE U/S 2(16), 9, 27, 31, 51 OF WILDLIFE



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SURAJ GOVINDA RAJ  
06/10/2026, 17:02, Bengaluru  
Verified



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PROTECTION ACT, 1972, WHICH IS NOW PENDING ON THE FILE OF THE ADDITIONAL CIVIL JUDGE (Jr.Dn) AND JMFC, VIRAJPET AGAINST THE PETITIONER.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

### **ORAL ORDER**

1. The petitioner is before this Court seeking for the following reliefs;

*Quash the entire proceedings in CC.No.798/2022 filed by the respondent for the offences punishable u/s 2(16), 9, 27, 31, 51 of Wildlife Protection Act, 1972, which is now pending on the file of the Additional Civil Judge (Jr.Dn) and JMFC, Virajpet against the petitioner.*

2. The complaint lodged by the Assistant Conservator of Forest alleges violation of Sections 2(16), 9, 27, 31 and 51 of the Wild Life (Protection) Act, 1972. The allegation primarily arises from the seizure of an Android mobile phone from accused No.2, Mr. Raimundo Coutinho, from which photographs were secured indicating his involvement in hunting protected wildlife.
3. It is further alleged that, when accused No.2 was apprehended, two other persons who were accompanying him ran away and that the petitioner was subsequently identified as one among them.



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However, except for this allegation, there is no specific overt act attributed to the petitioner in the complaint.

4. Learned counsel for the petitioner submits that the petitioner has been implicated only on the basis of the statement of accused No.2 that he had visited the petitioner's house. It is further submitted that the photographs relied upon in the complaint do not depict the petitioner.
5. Learned HCGP, on being specifically asked as to the material connecting the petitioner with the alleged offences, fairly submits that the only material is the statement of accused No.2 regarding his having visited the house of the petitioner.
6. Mere visit to or presence at the house of another person, by itself, cannot constitute sufficient material to prosecute that person for offences under the Wild Life (Protection) Act. There must be some material indicating the petitioner's participation in hunting, possession, transportation or any other act constituting an offence under the provisions invoked.
7. In the present case, there is no specific allegation or material showing that the petitioner participated in hunting protected wildlife or committed any act



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attracting Sections 2(16), 9, 27, 31 or 51 of the Act. The photographs relied upon by the prosecution also do not implicate the petitioner.

8. In the absence of any material connecting the petitioner with the alleged offences, continuation of the proceedings against him would amount to an abuse of the process of law. The petitioner is, therefore, entitled to the relief sought.
9. There being no particular allegation against the petitioner the proceedings therefore cannot continue against the petitioner, as such this Court passes the following;

### **ORDER**

- i. Criminal petition is ***allowed.***
- ii. The proceedings in CC.No.798/2022 filed by the respondent now pending on the file of the Additional Civil Judge (Jr.Dn) and JMFC, Virajpet insofar as the petitioner is concerned, is quashed.



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**(SURAJ GOVINDARAJ)**  
**JUDGE**

SR

List No.: 1 Sl No.: 10