



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

WRIT PETITION NO. 11613 OF 2021 (GM-RES)

C/W

WRIT PETITION NO. 15561 OF 2020 (GM-RES)

IN WP No. 11613/2021:

BETWEEN:

PRASHANTH P N.,
S/O NARAYANA P.,
AGED ABOUT 29 YEARS
RESIDENT OF #55(4)
SHESHAGIRI ESTATE
HOSOORU VILLAGE
AMMATHI POST
VIRAJPET TALUK
KODAGU DISTRICT - 571 201.

...PETITIONER

Digitally signed (BY SRI MAHADEVA R K., ADVOCATE)
by ANUSHA V

Location: High
Court of
Karnataka

AND:

THE STATE OF KARNATAKA
REP BY SUB INSPECTOR OF POLICE
FOREST MOBILE SQUAD
SAKLESHPUR
HASSAN DISTRICT - 573 127.

...RESPONDENT

(BY SMT.SOWMYA R., HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227
OF THE CONSTITUTION OF INDIA, PRAYING TO ALLOW THE
PETITION AND QUASH PRIVATE COMPLAINT FILED BY THE
RESPONDENT I.E., SUB-INSPECTOR OF POLICE, FOREST MOBILE



NC: 2026:KHC:34538
WP No. 11613 of 2021
C/W WP No. 15561 of 2020

SQUAD, SAKALESHPURA, HASSAN DISTRICT, FOR THE ALLEGED OFFENCES U/S. 2 (2), 2 (16C), 2 (31) (B), (33) 9, 39 (3B), 39 (3D), 44 (IAI), 51 OF WILD LIFE PROTECTION ACT 1972, ON THE FILE OF THE ADDL.CIVIL JUDGE AND JMFC, AT ARAKALAGUD IN PCR NO.243/2020 DATED 25.11.2020 VIDE ANNEXURE-C AGAINST THE PETITIONER/ACCUSED NO.2 AND ALSO QUASH THE ENTIRE PROCEEDINGS IN PCR NO.243/2020 VIDE ANNEXURE-A.

IN WP NO. 15561/2020

BETWEEN:

JOSH
S/O ANTHONY
AGED ABOUT 33 YEARS,
R/O APPAYYASWAMY ROAD,
VIRAJPET TALUK
KODAGU DISTRICT - 571 201.

...PETITIONER

(BY SRI MAHADEVA R K., ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY SUB INSPECTOR OF POLICE
FOREST MOBILE SQUAD
SAKLESHPUR
HASSAN DISTRICT - 573 127.

...RESPONDENT

(BY SMT. SOWMYA R., HCGP FOR RESPONDENT)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ALLOW THE PETITION AND QUASH THE PRIVATE COMPLAINT FILED BY THE RESPONDENT I.E., SUB-INSPECTOR OF POLICE, FOREST MOBILE SQUAD, SAKALESHPURA, HASSAN DISTRICT, FOR THE ALLEGED OFFENCES U/S. 2(2), 2(16C), 2 (31B), (33) 9, 39(3B), 39(3D), 44 (1AI), 51 OF WILD LIFE PROTECTION ACT 1972, ON THE FILE OF THE ADDL. CIVIL JUDGE AND JMFC AT ARAKALAGUD IN P.C.R.NO.243/2020, VIDE ANNEXURE-A AGAINST THE PETITIONER/ACCUSED NO.1 AND ALSO QUASH THE FIR IN F.O.C. NO.28/2020-21 DATED 25.11.2020 VIDE ANNEXURE-C.

THESE PETITIONS ARE COMING ON FOR *PRELIMINARY HEARING*, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Seeking for quashing of proceedings in PCR no.243/2020 on file of Addl. Civil Judge and JMFC, Arakalgud, for offences punishable under Sections 2(2), 2(16)(c), 2(31)(b), 2(33)(9), 39(3)(b), 39(3)(d), 44(1)(a)(i) and 51 of Wildlife Protection Act, 1972 (**Act**) and for quashing of FIR in FOC no.28/2020-21 dated 25.11.2020, these petitions are filed.

2. Sri RK Mahadeva, learned counsel for petitioners submitted that WP no.11613/2021 was by accused no.2 while WP no.15561/2020 was by accused no.1. It was submitted, at 07:00 am on 25.11.2020, credible information was received by Police Sub-Inspector (**PSI**) Forest Mobile Squad, Sakleshpura, Hassan District that two persons were carrying ivory in car no.KA-12-MA-7842. Based on information, complainant along with other police officials intercepted said vehicle at Kushalnagar-Konanuru Road at 08:15 am. On checking inside car, an article resembling ivory was found in possession of inmates who were apprehended. They informed that about 3 months earlier, they had found ivory in forest area and were intending to sell same. After drawing seizure



panchanama and alleging commission of offences punishable under Sections 2(2), 2(16)(c), 2(31)(b), 2(33)(9), 39(3)(b), 39(3)(d), 44(1)(a)(i) and 51 of Act, intimation was given to jurisdictional Magistrate. On receipt of said intimation, learned Magistrate, taking note of fact that offences alleged were non-bailable, directed PSI, Forest Mobile Squad, Sakaleshpura to hand over custody of accused to Chief Conservator of Forest along with seized article and remanded accused to judicial custody. It was submitted, as per Annexure-B, Deputy Range Forest Officer (**DRFO**), Konanur Branch, Arakalgud Zone, registered FIR in FOC no.28/2020-21 and forwarded it to learned Magistrate.

3. It was firstly submitted, initiation of proceedings one by PSI and another by DRFO amounted to double jeopardy. Secondly, they were illegal and liable to be quashed on ground of being initiated by an incompetent person. It was submitted, this Court in ***SM Dhananjaya v. State of Karnataka & Anr.*** (WP no.24011/2023 disposed of on 07.11.2023) **[2023:KHC:39774]** and ***Rajilesh PV & Anr. v. State of Karnataka & Anr.*** (WP no.14185/2024 disposed of on 13.06.2024) **[2024:KHC:21370]** under similar circumstances



quashed proceedings, where proceedings were initiated by DRFO.

4. Smt.Somya R., learned HCGP for respondent no.1-State, on other hand, opposed petition. In response to first contention of double jeopardy, it was submitted that as per Notification dated 10.03.2020, even in case of offences under Act, in case of receipt of intimation about commission of offences under Act, police officials would be authorized to arrest accused, seize articles and submit same before jurisdictional Court. Though they were not authorized to investigate, they were required to place materials collected in form of report before learned Magistrate within 60 days. In terms of same, action was taken by PSI on receipt of credible information, in intercepting vehicle, arrest of accused and seizure of article was justified. PSI had thereafter submitted report to jurisdictional Magistrate. It was submitted, in case of offences under Act Forest Officials would be competent to prosecute offences and therefore, learned Magistrate had directed handing over of arrested persons and article to Forest Officials for investigation/prosecution.



5. In pursuance of same, DRFO had submitted report to jurisdictional Court and based on directions registered FOC. Above procedure was strictly in accordance with law and there were no multiple proceedings. It was further submitted, as per Government Order bearing no.ಅಪಜೀ 141 ಅಅನೇ 2010 dated 14.09.2011, post of 'Forester' was renamed as 'Deputy Range Forest Officer' and as such DRFO would be competent person for exercise of powers under Section 55(b) of Act. Hence, there was no violation or illegality as contented and sought for dismissal.

6. Heard learned counsel and perused material on record.

7. These petitions are by accused no.1 and 2 in proceedings initiated by respondents in FOC no.28/2020-21 as well as PCR no.243/2020 on file of Addl. Civil Judge and JMFC, Arakalgud.

8. A bare perusal of intimation sent by PSI, Forest Mobile Squad at Annexure-C and order passed by learned Magistrate in PCR no.243/2020 would indicate that on receipt



of an intimation about arrest and seizure of materials by PSI, learned Magistrate has directed them to be made over to Forest Authorities, for investigation and appropriate action under Act. There is no investigation or any other action taken by PSI after submission of said report. Subsequent to handing over of arrested persons and delivery of article, Forest Officials namely, DRFO, Arakalgud has filed private complaint before jurisdictional Magistrate and as per direction FOC is registered. Therefore, contention of petitioners that two separate proceedings initiated in respect of same incident do not appear justified.

9. Insofar as next contention about proceedings being initiated by an incompetent person, Section 55(b) of Act provides that no Court shall take cognizance of any offence under Act except on a complaint by Chief Wildlife Officer or Warden or any other officer authorized by State Government, subject to such conditions, as may be specified. Notification dated 26.08.2010 produced along with memo would indicate notified authorized officers for purposes of various provisions of Act.



10. Insofar as contention that for offence under Sections 39(2) and 44 at column no.6 and 10 respectively, authorized officer was Conservator of Forest, Deputy Conservator of Forest, Assistant Conservator of Forest and Range Forest Officers and not include Deputy Range Forest Officer, perusal of Section 39 reveals that it merely declares that any animal article, trophy, etc. would be property of Government and mandates any person, who obtains possession of said property to report it to authorized officer. Notification of authorized officer is for purpose of reporting of possession. Likewise, Section 44 prohibits dealing with animal articles without license. It is seen that neither Section 39 or Section 44 are invoked herein. Section 55(a) of Act however, specifically deals with cognizance of offences. Notification issued by State about 'authorized officer' for purpose of Section 55(b) would therefore be relevant.

11. Notified officers for purpose of Section 55(b) would include all forest officers and above rank of Forester and all police officers and above rank of Police Sub-Inspector etc. In instant case, FOC registered by learned Magistrate is based on a private complaint by DRFO. As per Government Order dated



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14.09.2011, 'Forester' has been renamed as 'Deputy Range Forest Officer'. Thus, all officers of rank of DRFO and above would be authorized persons for purpose of Section 55(b) of Act.

12. In view of above, violation alleged by petitioners would not be substantiated. Decision in **Rajilesh PV**'s case (supra) is virtually on consent, while decision in **SM Dhananjaya**'s case (supra) has not dealt with notifications and as such would be distinguishable.

13. In view of above, neither of contentions of petitioners would sustain. Hence, petitions are **dismissed** as devoid of merit.

Sd/-
(RAVI V HOSMANI)
JUDGE