



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO.6872 OF 2019

BETWEEN:

UMA E.
AGED ABOUT 48 YEARS
W/O RAMALINGEGOWDA,
GANGASAMUDRA GRAMA
BANKAPURA ANCHE
NAGAMANGALA TALUK
MANDYA - 571 432

...PETITIONER

(BY SRI PRANESH JOSHI, ADVOCATE FOR
SRI M. MANJUNATH, ADVOCATE)

AND:

KARNATAKA STATE POLLUTION
CONTROL BOARD
POLLUTION CONTROL BOARD REGIONAL OFFICE
BEHIND GOVT. COLLEGE
MANDYA - 571 401
REPRESENTED BY
DEPUTY ENVIRONMENTAL OFFICER.

...RESPONDENT

(BY SRI GURU RAGHAVENDRA M, ADVOCATE FOR
SRI GURURAJ JOSHI, ADVOCATE)

THIS CRL.P IS FILED UNDER SECTION 482 CR.P.C.
PRAYING TO QUASH THE ORDER DATED 19.07.2019 PASSED
BY THE HON'BLE ADDL. CIVIL JUDGE, JMFC, NAGAMANGALA,
MANDYA IN C.C NO.347/2019 (P.C.R. NO.57/2019) TAKING
COGNIZANCE OF OFFENCES PUNISHABLE UNDER SECTIONS

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



21, 31 (A) AND 37 OF THE AIR ACT, 1981 AND ALL FURTHER PROCEEDINGS THEREIN (i.e., ANNEXURE A) AND ETC

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging proceedings in CC no.347/2019 in pursuance of private complaint in PCR no.57/2019 filed by Deputy Environmental Officer - respondent - Karnataka State Pollution Control Board ('**KSPCB**') alleging offences punishable under Sections 21, 31A and 37 of Air (Prevention and Control of Pollution) Act, 1981 ('**Air Act**') on file of Additional Civil Judge and J.M.F.C., Nagamangala, Mandya, this petition is filed.

2. Sri Pranesh Joshi, learned counsel appearing for Sri V. Manjunath, advocate for petitioner submitted that respondent - Deputy Environmental Officer had filed private complaint in PCR no.57/2019 against (accused) petitioner herein alleging that without obtaining licence from KSPCB, accused was running stone crushing and quarrying unit. It was submitted, Section 43 of Air Act, provided for taking of cognizance in pursuance of complaint made by Board or any



officer authorized on its behalf and though Official Memorandum dated 08-11.03.2013 authorized Deputy Environmental Officer as well as Assistant Environmental Officers to file cases on behalf of Board, same could be done only after obtaining approval from Chairman. It was submitted, without obtaining such approval, Deputy Environmental Officer had filed complaint and same would be in violation of Section 43 of Air Act and as such proceedings were liable to be quashed.

3. Sri Guru Raghavendra M., learned counsel appearing for Sri Gururaj Joshi, advocate for respondent would however oppose petition on ground that petitioner was operating quarry without license and therefore, initiation of proceedings was justified. He is however unable to countenance contention of petitioner that Deputy Environmental Officer, Mandya had filed complaint without obtaining approval from Chairman of Board.

4. Heard learned counsel and perused material on record.



5. This petition is by accused challenging proceedings on sole ground that complaint having been filed by incompetent person. Perusal of private complaint would indicate that complaint is filed by Deputy Environmental Officer, Mandya. Though para-3 of complaint indicates that complainant was empowered to file complaint in pursuance of Board resolution dated 08-11.03.2013, perusal would indicate that same was subject to obtaining approval from Chairman. Since approval of Chairman is admittedly absent, initiation of proceedings would be by incompetent person.

6. Consequently petition would require to be **succeed**. Accordingly to give effective provision i.e., Section 43 of Air Act as well as to prevent abuse of process, impugned proceedings in CC no.347/2019 on file of Additional Civil Judge and J.M.F.C., Nagamangala, Mandya stand **quashed**, however, reserving liberty to Board to take action in accordance with law.

Sd/-
(RAVI V HOSMANI)
JUDGE