



CNR: KAHC010695242023

NC: 2026:KHC:51269
CRL.P No. 13900 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 18TH DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
CRIMINAL PETITION NO. 13900 OF 2023

BETWEEN:

SRI. AITHA KORAGA
S/O BHATYA KORAGA,
AGED ABOUT 54 YEARS,
R/AT KAJE MANE,
KALMANJA VILLAGE,
BELTHANGADY TALUK,
D.K. DISTRICT – 574 214.

...PETITIONER

(BY SRI. RITHIK.Y.M, FOR
SRI. SUYOG HERELE E, ADVOCATES)

AND:

THE STATE OF KARNATAKA
THROUGH RANGE FOREST OFFICER,
FOREST OFFICE,
BELTHANGADY RANGE,
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA,
BENGALURU – 560 001

...RESPONDENT

(BY SRI.CHANNAPPA ERAPPA, HCGP)

THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO ALLOW THIS CRL.P AND QUASH THE FIR IN ARANYA TAKSHEERU (FOC) NO.39/2021-22 DATED 09.12.2021 REGISTERED BY FOREST GUARD, BELTHANGADY RANGE (ON THE FILE OF LEARNED CIVIL JUDGE AND J.M.F.C, BELTHANGADY D.K, DISTRICT) FOR THE ALLEGED OFFENCE P/U/S 33(2)(V),62(1),(2) AND (3) AND SEC.80 OF THE KARNATAKA

Digitally signed
by NANDINI M
S
Location: HIGH
COURT OF
KARNATAKA





**NC: 2026:KHC:51269
CRL.P No. 13900 of 2023**

CNR: KAHC010695242023

FOREST ACT FOR THE OFFENCE P/U/S 25,43,165 OF THE KARNATAKA FOREST RULES, PRODUCED AS DOCUMENT NO.1

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. This petition under Section 482 of Cr.PC is filed with a prayer to quash the entire proceedings in FIR in Aranya Taksheeru (FOC) No.39/2021-22 registered by the Forest Guard, Belthangady Range, for the offences punishable under Sections 33(2)(v), 62(1), (2) & (3) and 80 of Karnataka Forest Act, 1963 (for short, 'the Act') and Rules 25, 43 & 165 of the Karnataka Forest Rules, 1969, pending before the Court of Civil Judge & JMFC, Belthangady.

2. Heard the learned Counsel for the parties.

3. Learned Counsel for the petitioner submits that having regard to Section 62A of the Act, the impugned proceedings registered by the Forest Guard is not maintainable. In support of his arguments, he has placed reliance on the order passed by the coordinate bench of this Court in W.P.No.16765/2023



CNR: KAHC010695242023

(S.M.Dhananjaya Vs The State of Karnataka & another)
disposed of on 08.08.2023.

4. Learned HCGP who has opposed the petition, does not dispute the submission made by the learned Counsel for the petitioner.

5. Section 62A of the Act reads as under:

"62-A. Powers of Forest Officer in the matter of Investigation. (1) Any Forest Officer not below the rank of a Range Forest Officer and within such specified area as the State Government may, by notification specify, may as regards offences under this Act exercise powers conferred on an officer in-charge of a police station by the provision of the Code of Criminal Procedure, 1973:

Provided that any such power shall be subject to such restrictions and modifications, if any as the State Government may specify.

(2) For the purpose of Section 156 of the Code of Criminal Procedure, 1973, the area in regard to which the Forest Officer is empowered under sub-section (1), shall be deemed to be a police station and such officer shall be deemed to be the officer in-charge of such station."



CNR: KAHC010695242023

6. A reading of the same would go to show that the aforesaid provision of law deals with the powers of forest officer in the matter of investigation and specifies that any Forest Officer not below the rank of a Range Forest Officer shall exercise the powers conferred on an officer in-charge of a police station by the provision of the Code of Criminal Procedure, 1973. In other words, the Range Forest Officer or an officer above in rank can alone investigate the offences under the Act and not any officer below the said rank.

7. In the present case, FIR has been registered by the Forest Guard, and therefore, he cannot be considered as a specified officer as provided under Section 62A of the Act. In identical circumstances, the Coordinate bench of this Court in W.P.No.16765/2023, has quashed similar proceedings. Under the circumstances, the prayer sought by the petitioner herein needs to be granted. Accordingly, the following order:

8. Petition is allowed. The entire proceedings in FIR in Aranya Taksheeru (FOC) No.39/2021-22 registered by the Forest Guard, Belthangady Range, for the offences punishable under Sections 33(2)(v), 62(1), (2) & (3) and 80 of the Karnataka



**NC: 2026:KHC:51269
CRL.P No. 13900 of 2023**

CNR: KAHC010695242023

Forest Act, 1963 (for short, 'the Act') and Rules 25, 43 & 165 of the Karnataka Forest Rules, 1969, pending before the Court of Civil Judge & JMFC, Belthangady, stands quashed as against the petitioner herein.

**Sd/-
(S VISHWAJITH SHETTY)
JUDGE**

KK