



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE M G UMA

WRIT PETITION NO. 4177 OF 2022 (GM-RES)

BETWEEN:

SHIYABUDDIN K T @ SHIYAB
S/O MOHAMMED K T
AGED ABOUT 35 YEARS
PRESENTLY RESIDING AT NO.2/90
3RD BLOCK, MARKET ROAD
VIRAJPET TALUK, GONIKPPAL
KODAGU DISTRICT - 571 213.

...PETITIONER

(BY SRI. MAHADEVA R.K., ADVOCATE)

AND:

STATE OF KARNATAKA
REP. BY DEPUTY RANGE FOREST
OFFICER, DEVAMACHI SECTION,
THITHIMATHI, VIRAJPET TALUK,
KODAGU DISTRICT - 571 201.

...RESPONDENT

(BY SRI. RANGASWAMY R., HCGP)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA READ WITH 482 OF THE CODE OF CRIMINAL PROCEDURE PRAYING TO ALLOW THE PETITION AND QUASH THE FIR IN FOC NO.8/2021-22 DATED 13.02.2022 VIDE ANNEXURE-A FOR THE ALLEGED PUNISHABLE U/S 62, 80, 104(A) AND 71A OF KARNATAKA FOREST ACT, SECTION 127(A), 144 READ 165 OF KARNATAKA FOREST RULES IN THE FILE OF THE HONBLE CIVIL JUDGE (JR. DVN) AND JMFC AT PONNAMPET.



THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING - B GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE M G UMA

ORAL ORDER

The petitioner being the sole accused in FOC No.8/2021-22 pending on the file of the learned Civil Judge (Jr. Dn.) and JMFC., Ponnampet of Karnataka Forest Department, Devamachi Section, Thithimathi Range, registered for the offences punishable under Sections 62, 80, 104A, 71A of the Karnataka Forest Act and under Section 127A, 144 R/w Section 165 of the Karnataka Forest Rules is seeking to quash the criminal proceedings initiated against him.

2. Heard Sri. Mahadeva R.K., learned counsel for the petitioner and Sri. Rangaswamy R, learned High Court Government Pleader for the respondent. Perused the materials on record.

3. In view of the rival contentions urged by learned counsel for the petitioner and learned HCGP for respondent, the point that would arise for my consideration is:



"Whether the petitioner has made out any grounds to allow the petition and to quash the criminal proceedings initiated against him?"

4. My answer to the above point is in the 'Affirmative' for the following:

REASONS

5. The Deputy Forest Officer, Devamachi Section, Thithimathi Range registered the FIR in FOC No.8/2021-22 of Thithimathi Range against the petitioner for the above said offences. It is alleged that the petitioner was transporting 17 pieces of Beete logs, measuring 2.855 cubic meters, illegally without any permit, and when the lorry bearing Reg.No.KL-11-V-1708, in which the petitioner was transporting the Beete logs illegally was stopped, the petitioner got down from the lorry and fled away. Thereby he has committed the offence.

6. Learned counsel of the petitioner is seeking to quash the criminal proceedings only on one ground that the Deputy Range Forest Officer, who registered the criminal case has no authority to register the criminal case. He places reliance on the decisions of this Court in ***S.M.Dhananjaya Vs.***



The State of Karnataka¹, M.A.Arisu and others Vs. The State of Karnataka and another² and Abbas K. U. Vs. The State of Karnataka³ to contend that the similar FIRs that were registered by the Deputy Range Forest Officer came to be quashed.

7. Learned counsel for petitioner references to Section 62A of the Karnataka Forest Act, 1963, which reads as under:

"62A. 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 incharge 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-incharge of such station."

¹ WP.No.16765/2023 dated 08.08.2023

² WP.No.13229/2024 dated 29.05.2024

³ WP.No.18987/2023 dated 08.09.2023



8. Chapter IX of the Karnataka Forest Rules, 1969 deals with the powers of the Forest Officers. Rule 69 specifically refers to the category of the offences mentioned in column No.1 of the table, which shall be in addition to the power conferred under provisions of Act in exercise of the powers under various Sections specified in corresponding entries in Cl.No.2 thereof.

9. The offence alleged against the present petitioner is punishable under Sections 62, 80, 104A, 71A of the Karnataka Forest Act and under Section 127A, 144 R/w Section 165 of the Karnataka Forest Rules. But the FIR came to be registered by the Deputy Range Forest Officer, who is below the rank of the Range Forest Officer. Therefore, registration of the FIR is without any authority.

10. The coordinate Benches of this Court in the decisions referred to above referred to Section 62A of the Karnataka Forest Act and quashed the criminal proceedings that were registered on the basis of FIR by the Deputy Range Forest Officer.



11. In view of the above, I do find considerable force in the contention taken by the learned counsel for the petitioner and the criminal proceedings is liable to be quashed as the same was registered by the officer without any authority.

12. Accordingly, I answer the above point in the ***affirmative*** and proceed to pass the following:

ORDER

(i) The Writ Petition is ***allowed.***

(ii) The criminal proceedings initiated in FOC No.8/2021-22 pending on the file of the learned Civil Judge (Jr. Dn.) and JMFC., Ponnampet of Karnataka Forest Department, Devamachi Section, Thithimathi Range, registered for the offences punishable under Sections 62, 80, 104A, 71A of the Karnataka Forest Act and under Section 127A, 144 R/w Section 165 of the Karnataka Forest Rules, is hereby quashed against the petitioner.

**SD/-
(M G UMA)
JUDGE**

BH
CT:VS

List No.: 1 Sl No.: 7