



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 25TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
WRIT PETITION NO.102574 OF 2026 (GM-RES)

BETWEEN:

1. SHAIK ZAKEER HUSSAIN,
AGE: 38 YEARS, OCC: DRIVER CUM OWNER,
LORRY BEARING NO.AP39UP8191,
R/O. SHAIK VAKEEL, 8-206, CHARK COLONY,
KARIVENA, PO. ATMAKUR, DIST NANDYAL,
ANDRA PRADESH-518422.
2. ASHRAF MUSTAQ AHMED BEPARI,
AGE: 35 YEARS, OCC: LEATHER BUSINESS,
R/O. HOSAYALLAPUR HIREMATH ONI,
VTC. DHARWAD, PO. DHARWAD, PIN-580001.
3. M/S. I. H. CORPORATION,
REP. BY ITS PROPRIETOR,
MOHAMMAD SAWAR HUSSAIN,
AGE: 36 YEARS, OCC: LEATHER BUSINESS,
R/O. HYDRABAD, TELANGANA, PIN-500020.

...PETITIONERS

(BY SRI M. L. VANTI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY ITS PSI,
DHARWAD RURAL POLICE STATION, DHARWAD,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA, DHARWAD-580001.
2. SHUBHAM SUJAYKUMAR,
AGE: 36 YEARS, OCC: NIL,
R/O. RAGHENDRA NAGAR,



NEAR BARAKOTRI ROAD,
DHARWAD-580001.

3. THE COMMISSIONER OF POLICE,
HUBLI-DHARWAD, NAVANAGAR,
HUBBALLI-580023.

...RESPONDENTS

(BY SRI ABHISHEK MALIPATIL, HCGP FOR R1 & R3;
SRI GOURISHANKAR MOT, ADV. FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, AND SECTION 528 OF (BNSS), PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION AND QUASH THE COMPLAINT AND FIR IN DHARWAD RURAL POLICE STATION CRIME NO.59/2026 FOR THE OFFENCES PUNISHABLE U/S.11 OF CRUELTY TO ANIMALS ACT 1960, SECTION 4, 5 AND 7 OF THE KARNATAKA PREVENTION OF SLAUGHTER AND PRESERVATION OF CATTLE ACT, 2020 AND U/S.318, 111, 325 OF BNS, 2023 PRODUCED AND MARKED AS ANNEXURE D AND E PENDING ON THE FILE OF IV ADDITIONAL SENIOR CIVIL JUDGE AND JMFC COURT, DHARWAD, IN THE INTEREST OF JUSTICE AND ISSUE A WRIT IN MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTIONS DIRECTING THE RESPONDENTS NO.1 TO 3 TO RELEASE TRUCK BEARING NO.AP-UP-8191 AND SEIZED SKIN BELONGING TO THE PETITIONERS TO MEET ENDS OF JUSTICE AND ISSUE A WRIT IN MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTIONS DIRECTING THE RESPONDENTS NO.3 TO PROVIDE POLICE PROTECTION TO THE TRADERS FROM EXPLOITATION BY ANTISOCIAL ELEMENTS IN CARRYING LAWFUL BUSINESS AND ALSO DIRECT TO REGISTER COMPLAINT AGAINST COMPLAINANT AND HIS CRIME SYNDICATE AND TAKE APPROPRIATE ACTION AGAINST THEM, FOR ABUSING THE PROCESS OF COURT, IN ACCORDANCE WITH LAW TO MEET ENDS OF JUSTICE AND ETC.

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



CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

The petitioners/accused Nos.1, 2 and 4 have filed this writ petition under Articles 226 and 227 of the Constitution of India and Section 528 of Bharatiya Nagarika Suraksha Sanhita, (BNSS) 2023, praying for the following reliefs:

"PRAYER

WHEREFORE, it is most humbly prayed that this Hon'ble Court be pleased to.

- a. Issue a writ in the nature of Certiorari or any other appropriate writ, order or direction and quash the Complaint and FIR in Dharwad Rural Police Station Crime No.59/2026 for the offences punishable U/s. 11 of Cruelty to Animals Act 1960, Section 4,5 & 7 of the Karnataka Prevention of Slaughter and Preservation of Cattle Act, 2020 and U/s 318, 111, 325 of BNS, 2023 Produced and Marked as **Annexure D and E** pending on the file of IV Addl. Senior Civil Judge and JMFC Court, Dharwad, in the interest of justice.*
- b. Issue a writ in Mandamus or any other appropriate writ, order or directions directing the Respondents No.1 to 3 to release Truck Bearing No..Ap-UP-8191 and seized Skin belonging to the petitioners to meet ends of justice.*
- c. Issue a writ in Mandamus or any other appropriate writ, order or directions directing*



the Respondents No.3 to provide police protection to the Traders from exploitation by antisocial elements in carrying lawful business and also direct to register complaint against complainant and his Crime Syndicate and take appropriate action against them, for abusing the process of court, in accordance with law to meet ends of justice.

d. *Grant such other reliefs that this Hon'ble Court deems fit in the circumstances of the case, in the interest of justice."*

2. Heard the learned counsel appearing on behalf of the petitioners and the learned counsel appearing on behalf of the respondents.

3. Learned counsel appearing for the petitioners/accused Nos.1, 2 and 4 submitted that the petitioners are businessmen dealing with the sale and purchase of raw leather and raw skin of cattle from various states and while transporting the raw skin of cattle, the Police intercepted the truck on the basis of the complaint lodged by the complainant and accordingly, the crime was registered for the offences above stated.



4. It is submitted that the offences alleged in the complaint do not attract the provisions of the Prevention of Cruelty to Animals Act, 1960 and the Karnataka Prevention of Cow Slaughter and Cattle Preservation Act, 2020; therefore, the registration of complaint is abuse of process of the Court. It is further submitted that the petitioners have produced a GST e-way bill; therefore, the business of the petitioners is legal. Hence, prayed to quash the proceedings initiated against the petitioners.

5. On the other hand, learned counsel appearing on behalf of respondent No.2 and learned HCGP appearing on behalf of the respondent No.1/State submitted that the GST e-way bill is permission for transportation of raw skin of cattle from Telangana to West Bengal, but the petitioners were transporting raw skin of cattle from Dharwad i.e., also in large quantity and for such transportation of large quantity of raw skin, large quantity cattle must have been slaughtered; therefore, in this regard, the complaint is filed



and investigation is going on. Hence, a *prima facie* case is made out. Thus, prays to dismiss the petition.

6. Though the petitioners/accused Nos.1, 2 and 4 may be transporting raw skin of cattle being in the business selling and purchasing leather of raw skin of cattle, the journey of transportation commences from Dharwad. The GST e-way bill is produced as Annexure-F, for which the transportation is permitted from Telangana to West Bengal. The place-Dharwad, where the truck loaded with raw skin of cattle was intercepted, is not coming in the way of between Telangana and West Bengal; therefore, there is force in the submission of learned counsel appearing on behalf of the respondent No.2 that this GST e-way bill might have been connected and whether this GST e-way bill is genuine or not is a question for trial and at this stage, it cannot be considered as a genuine document.



7. Further, the learned counsel appearing on behalf of the petitioners/accused Nos.1, 2 and 4 submitted that though the permission is for transportation from Telangana to West Bengal, the truck had come to Dharwad for loading raw skin of cattle and then was in the process of transportation to West Bengal and brought this notice in the tax invoice, which is produced as Annexure-G.

8. There is distance of nearly more than 500 kilometers from Telangana to Dharwad to load raw crested hides in the truck and were transporting to West Bengal as Telangana is in between Dharwad and West Bengal. When this being the fact why turck came from Telangana to Dharwad for loading raw crested hides and going to West Bengal as it is not economical viable. Hence, thorough investigation is needed.

9. A large number of raw crested hides were loaded in the truck. Though the allegation is only regarding illegal



transportation of raw crested hides, then investigation is needed as to how many cattle were slaughtered. This is the pertinent question to be considered during the course of investigation. Therefore, the complaint alone cannot be considered as it is only regarding transportation of raw crested hides, but when such huge quantity of raw crested hides were in the process of transportation, then how many numbers of cattle were slaughtered is also to be investigated; therefore, on the very complaint there are many aspects to be investigated under the offences alleged in the complaint and FIR.

10. The complaint cannot always be considered as an encyclopedia to demonstrate every inch of the allegation. The complaint is only an instrument setting the criminal law into motion. When in the complaint, it is alleged that large quantity of raw crested hides were being transported and upon the complaint lodged by respondent No.2, the crime is registered and vehicle is seized and investigation is still



under the process and the investigating officer will consider and conduct on the aspect that when such huge quantity was under transportation, then prior to that, how much quantity of cattle were slaughtered. In this regard also, the investigation is to be conducted. Therefore, prima facie case is made out for investigation and to proceed with the trial. Hence, at this stage, it is too premature to quash the proceedings. Hence, the writ petition has become devoid of merits. Thus, the petition is liable to be dismissed.

11. Accordingly, the petition is ***dismissed***.

**Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE**

SRA /CT-AN
List No.: 2 Sl No.: 33