

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

+ WRIT PETITION No.29910 OF 2022

% Dated 06.01.2026

Mr.Kolichelimi Sai Rohit and five others

...Petitioners

VERSUS

\$ The State of Telangana,
Rep by its Principal Secretary,
Forest Department,
Secretariat Buildings,
Hyderabad and four others

...Respondents

! Counsel for petitioners : Mr.Naraparaju Avaneesh

^ Counsel for Respondent : Government Pleader for Forests for
respondent Nos.1,3,4 and 5 and Assistant
Government Pleader for Home for
respondent No.2.

< GIST:

> HEAD NOTE:

? CITATIONS:

1. 2001 (3) MPLJ 272
2. 2019 SCC OnLine Ch 55
3. CrI.P.No.8051 of 2013, dt.19.03.2019
4. 2025 Latest Caselaw 3471 (Kant)
5. 1992 Supp (1) SCC 335

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.29910 of 2022

Date: 06.01.2026

Between:

Mr.Kolichelimi Sai Rohit and five others

...Petitioners

AND

The State of Telangana,
Rep by its Principal Secretary,
Forest Department,
Secretariat Buildings,
Hyderabad and four others

...Respondents

ORDER

This Writ Petition has been filed seeking a writ of certiorari to call for the records pertaining to the Preliminary Offence Report (POR) bearing S. No. 4/2022, dated 28-03-2022, registered on the file of the Mannanur Range, Amarabad Division, Nagarkurnool District, against the petitioners for the offences punishable under Sections 27 and 56 of the Wild Life (Protection) Act, 1972 (for short 'WLP Act') and Sections 351 read with 332 and 333 of the Indian Penal Code, 1860 (for short 'IPC') as being illegal, arbitrary, and unconstitutional, more

particularly in violation of Articles 14, 19, and 21 of the Constitution of India, and consequently to quash the same.

2. Brief facts of the case:

2.1. On 27.03.2022, at about 1:10 a.m., one Turpinti Raheem, while he is on duty at Base Camp, Check Post reported that a few persons, under the influence of alcohol, had attacked him and informed the same to his superior officers through phone. The Forest Department personnel requested him and others to act as panchas, to which they agreed, and accordingly proceeded to Durvasula Check Post, near the outskirts of Mannanur Village, which falls within a Tiger Conservation Wildlife Protection Zone. At that time, the check post was closed. A car bearing No.AP 09 CC 9708 was found at the spot with accused persons, who were under the influence of alcohol, and they stated that they came from Hyderabad. Though all vehicles are stopped at the Mannanur Check Post after 9:00 p.m., the accused claimed that they have crossed the check post at about 10:15 p.m. and had dinner at Mannanur Village, and returned to the spot. On further enquiry, the complainant stated that the accused persons came to the check post at about 1:00 a.m., threatened him to open the gate, and, upon his refusal, assaulted

him with their hands. Fearing for his safety, he ran away and informed the incident to the superior officers, who later reached the scene. Basing on the same, preliminary offence report was prepared under Form-A, for the offences under Sections 27 and 56 of the WLP Act and Sections 351 read with 332 and 333 of the IPC.

3. Heard Mr.Naraparaju Avaneesh, learned counsel for the petitioners, learned Government Pleader for Forests appearing on behalf of respondent Nos.1, 3, 4 and 5 and learned Assistant Government Pleader for Home appearing on behalf of respondent No.2.

4. Submissions of the learned counsel for the petitioners:

4.1. Learned counsel submitted that the petitioners have not committed any offence and they have been falsely implicated in the present case as accused. Even according to the allegations made in the complaint or the panchanama dated 27.03.2022, the ingredients of the alleged offences are not attracted against them. He further submitted that the forest officials have no authority or jurisdiction to conduct an investigation in respect of offences under the provisions of the IPC and they are entitled to conduct investigation in respect of offences under the provisions of WLP Act. Hence,

continuation of the proceedings insofar as penal offences under Sections 351 r/w 332 and 333 of the IPC is liable to be quashed.

4.2. In support of his contentions, he relied upon the judgments of the High Court of Chhattisgarh in *State of Chhattisgarh v. Ishan Yadav and others*¹, High Court of Madhya Pradesh in *Anand Kumar Goenka v. State of Madhya Pradesh and others*² and High Court of Karnataka in *Sri D.Manjunath and others v. State of Karnataka*³.

5. **Submissions of the learned Government Pleader for Forests:**

5.1. Learned Government Pleader submitted that in terms of Section 56 of the WLP Act, forest officials are having the power to conduct investigation insofar as offences under IPC and there is no bar to initiate the proceedings not only for the offences under the provisions of the WLP Act but also in respect of offences alleged to have been committed by the petitioners under the provisions of IPC. He further submitted that whether the petitioners have committed

¹ 2001 (3) MPLJ 272

² 2019 SCC OnLine Ch 55

³ CrI.P.No.8051 of 2013, dt.19.03.2019

the offences or not has to be revealed during the course of investigation.

5.2. He further submitted that the judgments relied upon by learned counsel for the petitioners are not applicable to the facts and circumstances of the present case on the ground that Section 56 of the WLP Act was not considered in the said cases. He also submitted that the petitioners have filed the present writ petition seeking to quash the proceedings at preliminary stage and the same is not permissible under law. Basing on the grounds which were pleaded in the writ petition, the petitioners are not entitled to seek quashing of proceedings and the writ petition is liable to be dismissed.

6. **Analysis:**

6.1. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that respondent No.4, based on the complaint lodged by the Deputy Range Officer, Mannanur, along with the Forest Beat Officer, Mannanur (North), and the Mannanur Section Staff, and after conducting a preliminary offence enquiry and panchanama, initiated proceedings through respondent No.5 and

registered a crime against the petitioners vide POR S.No.404 of 2022 dated 28.03.2022 for the offences punishable under Sections 27 and 56 of the WLP Act and Sections 351 r/w 332 and 333 of the IPC.

7. Insofar as the contention raised by the learned counsel for the petitioners that the petitioners had entered the tiger reserve forest after obtaining due permission and, therefore, that the ingredients of Sections 27 and 56 of the WLP Act are not attracted is concerned. There are specific allegations in the preliminary offence report as well as live panchanama that the petitioners forcefully entered the locked base camp inside the Tiger Reserve Forest and manhandled the camp protection watcher namely T.Raheem causing hurt and obstructing him from discharging his official duties and the said offence took place at 1:10 AM. Whether the petitioners entered the tiger reserve forest legally with permission from the forest officials or trespassed illegally and whether they assaulted camp protection watcher are disputed questions of fact and the same have to be determined during the course of investigation.

8. Insofar as the other ground raised by the learned counsel for the petitioners that the forest officials have no power or

authority to conduct investigation in respect of offences under IPC is concerned, in *Anand Kumar Goenka* supra, the High Court of Madhya Pradesh held that a Forest Officer is not a "police officer" within the meaning of the Code of Criminal Procedure and, in the absence of specific statutory empowerment or authorisation by a Magistrate under Section 2(h) of the Cr.P.C, has no authority to investigate cognizable offences or file a charge-sheet, and that any prosecution initiated by such officer by way of a charge-sheet is without jurisdiction, the proper course being to file a complaint under Section 200 of the Cr.P.C. Similarly, in *Ishan Yadav* supra, the High Court of Chhattisgarh reiterated that offences under Section 3 of the Prevention of Damage to Public Property Act, 1984 (for short 'PDPP Act') are cognizable and must be investigated strictly in accordance with the provisions of the Cr.P.C by a police officer, and in the absence of any provision in PDPP Act authorising Forest Officers to investigate or file charge-sheets, such officers cannot directly submit a charge-sheet, the Magistrate being justified in refusing to take cognizance and the only permissible remedy being the filing of a complaint under Section 200 of the Cr.P.C.

9. In *Sri D.Manjunat* supra, the High court of Karnataka held that Deputy Superintendent of Police was not competent to lodge complaint and set the law in motion in view of the bar under Section 55 of the WLP Act and quashed the FIR registered against the petitioners therein for the offence under WLP Act only and for the offence under Section 379 of the IPC requires to be continued.

10. It is relevant to place on record that in *Sri Sampurna Mutalik and another v. State of Karnataka*⁴ the High Court of Karnataka examined the scheme of the WLP Act and held that forest officials are empowered to investigate only offences under the WLP Act and cannot, under any circumstances, undertake investigation into offences punishable under the IPC. The Court explained that the WLPA provides its own complete procedure and mandates filing of a complaint under section 55, and that any attempt by forest officials to register an FIR under the IPC or to conduct investigation into IPC offences results in what the Court described as a "topsy-turvy" and fundamentally defective process. It was further clarified that when WLP Act offences are accompanied by IPC sections, it is only the police who are competent to

⁴ CrI.P.No.5952 of 2023, dt.06.10.2023

investigate, and a mixed or hybrid investigation by forest staff is legally impermissible.

11. In the above said precedents, it has been specifically held that the forest officials are not police officers within the meaning of the Code of Criminal Procedure and, therefore, they have no authority to investigate penal offences under IPC and it has also been clarified that the forest officials are entitled to initiate proceedings and conduct investigation in respect of offences under the WLP Act, since the Act itself confers statutory powers upon them.

12. It is relevant to mention that even if the allegations pertaining to offences under the IPC are taken at their face value, they do not disclose the commission of any offence in law, due to the inherent lack of jurisdiction of the investigating authority. Consequently, the continuation of such proceedings would amount to an abuse of the process of law and the principles laid down by the Supreme Court in *State of Haryana v. Ch.Bhajan Lal*⁵ are applicable. Hence, the proceedings for the offence under IPC is liable to be quashed while exercising the powers conferred under Article 226 of the Constitution of India.

⁵ 1992 Supp (1) SCC 335

13. For the foregoing reasons, the proceedings in POR S.No.04 of 2022, dated 28.03.2022 are quashed to the extent of offences under Sections 351 r/w 332 and 333 of the IPC. In respect of the offences under Sections 27 and 56 of the WLP Act, this Court is not inclined to quash the proceedings. It is made clear that this order will not preclude the forest officials to work out their remedies in accordance with law insofar as the penal offence under IPC, if so they are aggrieved.

14. In the result, the writ petition is allowed-in-part. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE J. SREENIVAS RAO

Date: 06.01.2026

Note: L.R. copy to be marked

b/o.

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