



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 1ST DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO.104494 OF 2026 (GM-RES)

BETWEEN:

1. M/S. H.K. AND COMPANY
RPTD BY ITS PROPRIETOR,
MR. ALAMKHAN HAMEEDKHAN PATHAN,
AGE. 36 YEARS, OCC. BUSINESS,
R/O. WARD NO.34, KASAI GALLI,
BELAGAVI, PIN-590001.
2. MR. RAVI BOOBATHI S/O. BOOBATHI,
OCC. TRANSPORT BUSINESS,
R/O. 7/111, PARASURAMNPATTI,
GUDIYATHAM RS, VEPPUR, VELLORE,
TAMIL NADU, PIN-635803.
3. VADIVELU A S/O. R. MUGAM,
AGE. 42 YEARS, OCC. DRIVER,
R/O. VELLUR, TAMIL NAIDU.

...PETITIONERS

(BY SRI. VIJAYKUMAR MAHESHWARAPPA SHEELVANT, ADV.)

AND:

1. THE STATE OF KARNATAKA,
BY P.S.I. SUB-URBAN POLICE STATION, DHARWAD,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA, DHARWAD.
2. KANTESH S/O. GOPAL UPPAR,
AGE. 23 YEARS, OCC. BUSINESS,
R/O. 2ND CROSS, SAMPIGE NAGAR,
DHARWAD.





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

...RESPONDENTS

(BY SMT. GIRIJA S.HIREMATH, HCGP FOR R1 AND R3;
NOTICE TO R2 IS DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA AND SECTION 528 OF BNSS., PRAYING 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 SUB-URBAN POLICE STATION CRIME NO.134/2026 FOR THE OFFENCES PUNISHABLE UNDER SECTION 11 OF PREVENTION CRUELTY TO ANIMALS ACT 1960, SECTION 4 AND 12 OF THE KARNATAKA PREVENTION OF SLAUGHTER AND PRESERVATION OF CATTLE ACT, 2020 AND UNDER SECTION 325 OF BNS, 2023 PRODUCED AND MARKED AS ANNEXURE C AND D PENDING ON THE FILE OF PRL. CIVL JUDGE (JNR.DVN) 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 AND 3 TO RELEASE TRUCK BEARING NO.AP-39 TZ-1999 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 TAKE APPROPRIATE ACTION AGAINST HIM, FOR ABUSING THE PROCESS OF COURT, 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.

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

CORAM: THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE
ORAL ORDER

This petition is filed assailing the complaint registered in Crime No.134/2026 of Sub-Urban Police Station, Dharwad for the alleged offences under Section 11 of Prevention of Cruelty to Animals Act, 1960¹, Sections 4 and 12 of the Karnataka Prevention of Slaughter and Preservation of Cattle Act, 2020², and Section 325 of the Bharatiya Nyaya Sanhita, 2023³.

2. The petitioner has also sought writ of mandamus to direct the respondents to release the truck bearing registration No.AP-39/TZ-1999 and the seized skin said to be belonging to the petitioner No.1.

¹ For short, 'Act of 1960'

² For short, 'Act of 2020'

³ For short, 'BNS 2023'



3. The third prayer is to direct the respondent No.3 to provide police protection to the traders from exploitation by the anti-social elements in carrying out lawful business and to direct respondent No.3 to register a complaint against the complainant and to take appropriate action.

4. Learned counsel appearing for the petitioners would submit that the petitioner No.1 is a licensed trader of animal skin and the license is very much in force and when he was lawfully transporting the animal skin which is permitted under the license of the petitioner No.1. The aforementioned truck has been seized and the animal skin which was being transported in the aforementioned truck was also seized by the police. The petitioners contend that the offences alleged against the petitioners are not attracted, as the petitioner No.1 has a necessary license to carry on the trade of the animals' skin and to transport the same.

5. Learned counsel for the petitioners would also submit that the seized skin is a perishable material and is subject to a quick decay and has to be released and the petitioners should be permitted to dispose of the same, else the petitioners will lose the value of the skin. The petitioners also urged that the truck



which is said to be involved in the commission of alleged offence has to be released in favour of the petitioner No.2.

6. Learned counsel for the petitioners would also refer to the provisions of the Acts referred to above to substantiate his contention that the complaint is to be quashed.

7. Learned High Court Government Pleader for respondent Nos.1 and 3 would oppose the petition and would contend that the petitioners have violated the provisions of the Act of 1960, Act of 2020 and BNS 2023 and would urge that the investigation should go on and the further proceedings should take place pursuant to the report to be filed after the investigation.

8. This Court has considered the contentions raised and perused the records.

9. The records placed before the Court would reveal that the animal skins are seized from the petitioners' custody while transporting the same in a truck bearing registration No.AP-39/TZ-1999. This fact is not disputed by the petitioners. The petitioner No.1 claims that they were lawfully transporting the animal skin under the duly issued license. This being the position, seized animal skin has to be released in favour of the



petitioner No.1 as he claims to be the owner and there is no third party claim, and admittedly said materials are seized from his custody.

10. *Prima facie* the license is also placed before the Government to take a view that the petitioner No.1 is entitled to transport the animal skin under the aforementioned license produced at Annexure-A.

11. It is also not in dispute that the seized animal skin is a perishable materials and subject to speedy decay. If the seized skin is ordered to be kept in the custody until conclusion of investigation or any trial pursuant to the report, the seized animal skin would perish and would be of no use for anyone.

12. The records would reveal that petitioner No.1 is the license holder and petitioner No.2 is the owner of the truck. Hence, the seized materials have to be released subject to certain conditions.

13. Since, the animal skin ordered to be released is a perishable material it may not be available at the time of trial if it takes place.



14. Under these circumstances, the petitioners should not dispute the seizure of the animals' skin during the trial, in case the trial takes place.

15. However, the prayer to quash the proceeding cannot be considered at this stage as the investigation should go on and only after the investigation report, the Trial Court has to consider whether there has to be a trial or there has to be a closure as per the report. Hence, the following:

ORDER

- (i) The petition is ***allowed in part.***
- (ii) The petitioner No.1 is permitted to sell the seized animal skin and shall place the invoice relating to sale transaction before the Trial Court.
- (iii) The seized truck bearing registration No.AP-39/TZ-1999 in Crime No.134/2026 of Sub-Urban Police Station shall be released in favour of petitioner No.2.



HC-KAR

- (iv) The petitioner No.2 shall not alienate the said truck and create any alteration of the said truck till conclusion of the investigation or till any other condition that may be imposed in the event of further proceedings if taken up by the Trial Court pursuant to the investigation.
- (v) The petitioner Nos.1 and 2 shall not dispute the seizure of the skin referred to above during the trial.
- (vi) The petitioner No.2 in case to sell the aforementioned truck shall seek appropriate orders from the Trial Court.
- (vii) Since, it is stated that the value of the skin seized is around Rs.19 lakhs, the petitioner No.1 shall furnish surety for a sum of Rs.19 lakhs and petitioner No.2 shall also furnish surety for a sum of Rs.10 lakhs, the value of the truck, before release of the seized materials.



16. Observations made in this order are only confined to this order and should not be construed as having reflected anything on the merit of the complaint or the defence of the petitioners.

17. Since the investigation is not quashed, notice to respondent No.2 is dispensed with, who has no claim over the properties.

18. ***Hand delivery of this order is permitted.***

**Sd/-
(ANANT RAMANATH HEGDE)
JUDGE**

SMM / CT: UMD
List No.: 1 Sl No.: 10