NEUTRAL CITATION
2026:GUJHC:53807

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 14202 of 2017

With
R/CRIMINAL MISC.APPLICATION NO. 10680 of 2017

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR.JUSTICE P. M. RAVAL

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Approved for Reporting	Yes	No

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ISMAILBHAI ABDULBHAI SHAIKH (PETITION ABATED QUA PETITIONER NOS. 1 AND 2) & ORS.
Versus
STATE OF GUJARAT & ANR.

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Appearance:
ABATED for the Applicant(s) No. 1,2
MR SP KOTIA(5687) for the Applicant(s) No. 3,4,5,6
NOTICE SERVED BY DS for the Respondent(s) No. 2
MR ROHAN SHAH, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE P. M. RAVAL**

Date : 20/08/2026

JUDGMENT

1. Rule. Learned advocates for the respective parties waives service of rule.

2. By way of these applications, the applicants before this Court seek to invoke the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash and set aside the FIR being C.R. No. I- 1 of 2017 lodged with Ghogha Range, District Bhavnagar, for the

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offences punishable under Sections 2(16), 2(35), 2(36), 9, 39, 50(8), 50(9), 51, 52 and 58 of the Wildlife (Protection) Act, 1972, (Act, 1972).

3. Brief facts of the case are that:

3.1 On 29.03.2017, a carcass of a leopard was found near the gate of Sai Engineering Company, near the outskirts of Makarlag in the Khogawadi area. Upon post-mortem examination being conducted on 30.03.2017, it was found that the said leopard had died due to injuries sustained by it. It is alleged that the applicants, in connivance with each other, inflicted blows upon the leopard, resulting in its death. Thereafter, with a view to concealing the said act, they allegedly tied one of the legs of the leopard with a string entangled with an iron piece and left the body of the leopard in front of the company's gate.. Accordingly, the offence in question came to be registered against the present applicants, amongst others, by the Range Forest Officer, Ghogha.

4. The record reveals that the Cr.M.A No.14202/2017 came to be abated qua the applicant Nos. 1 & 2.

5. Heard, the learned advocates for the respective parties and perused the material on record.

6. At the very outset, learned advocate for the applicants, Mr. S.P. Kotia, by making available a copy of the order dated

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05.08.2025 passed by the Coordinate Bench in Special Criminal Application No. 77 of 2014, submitted that, as per the provisions of Section 55 of the Wildlife (Protection) Act, 1972, (Act, 1972) there is a statutory bar against cognizance being taken by the Court unless a complaint, as contemplated under the said provision, is filed by the persons or authorities specified thereunder. Learned advocate further submitted that, in the case on hand, no such complaint has been filed by any such person or authority and that, there is nothing on record to show any such authorization and accordingly, the FIR in question suffers from a legal infirmity, inasmuch as there is a clear lack of jurisdiction. Hence, the same is required to be quashed and set aside, being in violation of the mandatory statutory provisions of law.

6. As against that, learned APP Mr. Rohan Shah could not dislodge the aforesaid settled legal position which is duly supported by the order passed by the Coordinate Bench of this Court.

7. Heard the learned advocates for the respective parties and perused the FIR in question, the material on record, as well as the decision of the Coordinate Bench relied upon by the learned advocate for the applicants. The Coordinate Bench, in the said decision, has elaborately discussed the legal proposition of law. For the sake of brevity and with a view not to burden the present order any further, this Court deems it proper not to delve into the said aspect in detail,

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which is no more *res integra*. Suffice it to reiterate the observations of the Coordinate Bench, which read thus:

> "Now, it is manifest from a plain reading of Section 55 of the Wildlife (Protection) Act, 1972, (Act, 1972) that the legislative intent is clear: no Court shall take cognizance of any offence under the Act except upon a complaint filed by the Director of Wildlife Preservation, the Chief Wildlife Warden, or any other officer duly authorised in this behalf by the Central or State Government. The term 'complaint' assumes significance in this context and must be understood in the light of Section 2(d) of the Code of Criminal Procedure, 1973, or its equivalent under Section 2(1)(h) of the BNSS, 2023, which defines a complaint as an oral or written allegation made to a Magistrate with a view to his taking action that some person, whether known or unknown, has committed an offence, but does not include a police report."

8. Indisputedly and admittedly, the FIR in question is neither a complaint nor can it be termed as a complaint as contemplated under Section 55 of the Wildlife (Protection) Act, 1972, (Act, 1972), which is supported by an authorization and accordingly, the same is not sustainable in the eyes of law. In view thereof, the present applications deserve favourable consideration without entering into further merits of the case.

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9. The applications, therefore, succeed and are allowed. The FIR being C.R. No. I-1 of 2017 lodged with Ghogha Range, District Bhavnagar, are hereby quashed and set aside qua the present applicants. Rule is made absolute.

10. It is however made clear that this order shall not preclude the authorized officer under the Wildlife (Protection) Act, 1972, (Act, 1972) from initiating or instituting appropriate proceedings against the applicants, in accordance with law, on the basis of the material collected during the course of investigation.

Direct service is permitted.

(P. M. RAVAL, J)

MOHD SAIF ULLAH

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