

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM M-11972 of 2015

Date of decision : 08.04.2016

Shivalik Stone Crusher & anr.

....Petitioners

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ankur Gupta, Advocate for the petitioners.

Mr. Shilesh Gupta, Addl. A.G. Punjab.

RAJAN GUPTA J.

This is a petition under section 482 Cr.P.C. seeking quashing of FIR in question registered against the petitioners under sections 379, 411 IPC and section 21(1) of the Mines & Minerals (Development & Regulation) Act, 1957 at police station Kiratpur Sahib district Roopnagar.

Learned counsel for the petitioners submits that initially a cancellation report was prepared by the investigating agency which was approved by the Senior Superintendent of Police, Roopnagar. Thus, FIR and consequential proceedings are vitiated.

Learned State counsel has opposed the prayer. According to him, certain recoveries were effected from the petitioners. It was found that petitioner no. 2 was guilty of carrying on illegal mining. It was further brought to the notice of the court that trial is proceeding at present and out of nine witnesses cited by the prosecution, three have been examined.

Under the circumstances, there is no ground to interfere in inherent jurisdiction of this court. Petition is hereby dismissed. Petitioner no. 2 shall be at liberty to take all his pleas before the trial court at the stage of final arguments. In case petitioner no. 2 moves an application for exemption of his personal appearance, same shall be considered by the trial court in accordance with law. The trial court may exempt the personal appearance of the petitioner no. 2 on such terms and conditions, as it deems proper to impose. The petitioner no. 2 may be allowed to appear through his counsel except on the dates his presence is necessary.

April 08, 2016

Ajay

(RAJAN GUPTA)
JUDGE