

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40395-2013 (O&M)

Date of decision: December 12, 2016.

Anil Tandon

... **Petitioner**

v.

Punjab Pollution Control Board

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Hitesh Kaplish, Advocate for the petitioner.

Shri Kulraj Rai, Advocate for the respondent.

Shri K.S. Sidhu, Assistant Advocate General, Punjab.

A.B. Chaudhari, J. (Oral):

Rule. Heard forthwith with the consent of learned counsel for the parties.

The petitioner has come up before this Court for quashment of summoning order dated 29.1.2013 (Annexure P-2) as well as the complaint (Annexure P-1) filed against him by the respondent - Punjab Pollution Control Board.

At the outset, I find that accused No.1 has been described as under:-

“1. M/s ESI Hospital Phagwara District Kapurthala (through Dr. Harjit Singh Batra M.S. And Dr. Gautam Singh Shikandi S/M/O. Dr. Parminder Kaur, Dr. Anil Tandon, Dr. Mukesh Chander M.O. Dr. Harcharan Singh S.M.O.”

The name of the petitioner is not to be found in the array of the accused, other than respondent No.1. The petitioner's name has been mentioned in the array of respondents as accused No.1 as Dr. Anil Tandon along with four other doctors. It is thus clear that the complainant itself does not know how to file a criminal complaint before the court. Be that as it may, in so far as the present accused-petitioner is concerned, perusal of the complaint nowhere shows a single act of commission of any criminal act, violation of rules or any offence under the relevant Act in particular. In a criminal complaint, vague allegations cannot be relied upon, that too by issuing summoning order as an accused. Para 4 of the complaint reads thus:

“4. That the accused company/entity is a ESI Hospital, Jalandhar accused No.2 is also responsible person for day to day affairs of the accused No.1 and is also controlling, supervising and managing the affairs of the ESI Hospital i.e. Accused No.1. Thus, he has been held liable for punishment U/s 15 & 16 of the Environment (Protection) Act, 1986 for violation of the provisions Section 7, 8, 9 of the Act, 1986 along with violations of the rule 4,5, 6, 8 of the Bio Medical Waste (Management and Handling) Rules, 1998.”

It is clear from the reading of para 4 that reference is to ESI Hospital, Jalandhar and not to ESI Hospital, Phagwara as ESI Hospital, Jalandhar falls in District Jalandhar whereas ESI Hospital, Phagwara falls in District Kapurthala. Learned Counsel for the petitioner states the fact remains that no specific allegations of any violations against accused No.1

have been levelled.

I have perused the summoning order. The summoning order is also in the same manner as the complaint has been filed. Law is well settled. The issuance of summoning order is a serious matter and the summoning order to the accused cannot be issued in casual manner.

In that view of the matter, the petition is allowed. The summoning order as well as the criminal complaint in question, both are quashed.

[A.B. Chaudhari]
Judge

December 12, 2016.
kadyan

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No