

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-90 of 2016 (O&M)
Date of Decision: May 17, 2016

Anees and another

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Mohammad Arshad, Advocate
for the petitioners.

Mr.D.R.Singla, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. against respondents State of Haryana and Shish Ram Sub Inspector for quashing of FIR No.0332 dated 12.12.2015 under Section 11 of the Prevention of Cruelty to Animals Act, 1990 registered at Police Station Ferozepur Jhirka, District Mewat and all subsequent proceedings arising therefrom.

Notice of motion was issued and learned State counsel appeared and contested the petition.

Learned counsel for the petitioners argued that Prevention of Cruelty to Animals Act, 1990 is not applicable to the State of

Haryana. Secondly, he argued that no offence is made out under Section 11 of the said Act. He next argued that there is no evidence on the record to show the cruelty to the animals.

On the other hand, learned State counsel argued that Act in question i.e. Prevention of Cruelty to Animals Act, 1990 is applicable to whole of India except Jammu and Kashmir. Section 11 provides punishment for cruelty to animals. He next argued that during investigation, there is report of Veterinary Doctor which shows the torture to the animals.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

Firstly, I find that Section 1 of the said Act states that it extends to the whole of India except the State of Jammu and Kashmir. Secondly, I find that Section 11 of the said Act provides punishment for treating animals cruelly. The perusal of this Section shows that details of the acts have been mentioned which amount to cruelty. Otherwise also, this is the finding of fact which is to be decided by the trial Court. From the perusal of the FIR, at this stage, in no way, it can be held that no torture or cruelty has been meted to animals.

Furthermore, the petitioners are not appearing before the trial Court and are absent and as argued, non-bailable warrants have already been issued against them by the trial Court.

Keeping in view the above facts and circumstances of the present case, I find that, in no way, the registration of FIR against the present petitioners can be held as abuse of process of law or amounts

to miscarriage of justice.

Therefore, finding no merit in the present petition, the same is dismissed.

May 17, 2016
Vgulati

(INDERJIT SINGH)
JUDGE