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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-1902-2014(O&M)  
Date of Decision :04.09.2017

Bachittar Singh

.....Petitioner

Versus

State of Punjab & Ors.

.....Respondents

**CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: Mr. H.S.Deol, Advocate  
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

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**RAMENDRA JAIN, J. (ORAL)**

Prayer in the instant petition under Section 482 Cr.P.C. has been made for quashing FIR No. 5 dated 12.01.2014 under Section 188 IPC and Section 21(1), 4 (1) of Mining and Minerals Act, 1957 (hereinafter referred to as 'the 1957 Act') registered at Police Station Kiratpur Sahib, District Roopnagar.

Allegation against the petitioner is that he was indulged in illegal mining of minor minerals and found having in possession of 2800 cubic Feet of illegally mined sand for which he could not show any permit or license.

Learned counsel for the petitioner contends that the FIR has illegally been registered against the petitioner, because a criminal action can only be initiated against a person punishable under the Act or any rules made thereunder only upon a complaint in writing made by a person authorized in this behalf by the Central or the State Government.

On the other hand, learned State counsel has not been able to

refute the said submissions. Even she could not be able to show as to which order duly promulgated by a public servant was disobeyed by the petitioner.

For ready reference, Section 22 of the Act is reproduced herein:-

***“22. Cognizance of offences. - No court shall take cognizance of any offence punishable under this Act or any rules made thereunder except upon complaint in writing made by a person authorised in this behalf by the Central Government or the State Government.”***

From the above provisions, it is evident that the Court can take cognizance of any offence punishable under the Act or any rules made thereunder only upon a complaint in writing made by a person authorised in this behalf by the respective Governments.

In view of above specific provision, the impugned FIR is liable to be quashed under Section 188 IPC and Section 21(1), 4 (1) of the Act and accordingly quashed.

Petition stands disposed of accordingly.

**(RAMENDRA JAIN)**  
**JUDGE**

**September 04, 2017**

*Sunil Devi*

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |