

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

**CRM No.M-42697 of 2014 (O&M)
Date of Decision: September 18, 2017**

M/s Ballarpur Industries Ltd.

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Rajat Khanna, Advocate
for the petitioner.

Mr.B.S.Virk, Deputy Advocate General, Punjab
for the respondent-State.

Mr.Aditya Sanghi, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing the criminal complaint bearing No.116 dated 07.06.2012 under Section 24 read with Section 29B (2A)/(2D) of the Industries (Development and Regulation) Act, 1951, summoning order dated 07.06.2012 passed by learned Judicial Magistrate Ist Class, Gurgaon and judgment dated 17.07.2014 passed by learned Sessions Judge, Gurgaon, vide which revision filed by the petitioner was also dismissed.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned

State counsel and have gone through the record.

From the record, I find that a complaint was filed by MSME Development Institute, Government of India, Ministry of Micro, Small and Medium Enterprises against M/s Ballarpur Industries Limited under Section 24 read with Section 29B (2A)/(2D) of the Industries (Development and Regulation) Act, 1951. The main allegations in the complaint against the accused are that the accused is a medium scale unit and some units are not permitted to manufacture items which are reserved for exclusive manufacturing in Small Scale Industries (SSI) Sector and non-SSI units are not permitted to manufacture those items unless and until they undertake 50% export obligation and other provisions stipulated under the Act. It is the case of the complainant that the accused is manufacturing paper products i.e. exercise books and registers and these items are exclusively reserved for manufacturing in MSE (formerly SSI) Sector.

At the time of arguments, learned counsel for the petitioner admitted that petitioner unit is a non SSI but he argued that the petitioner company is not manufacturing paper products as stated in the complaint, whereas, learned counsel for respondent No.2 has contended that the petitioner company is manufacturing paper products in violation of the provisions of the Act.

From the arguments of both the parties, I find that the parties are on dispute regarding finding of fact whether accused is manufacturing paper products in violation of the provisions of the Act or accused is not manufacturing paper products. These findings of fact are to be given by the trial Court on the basis of the evidence produced before it. In the quashing

petition, without evidence, this Court cannot give the findings of fact.

In view of the above discussion, I do not find any ground to quash the criminal complaint and all subsequent proceedings.

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

September 18, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No