

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.9865 OF 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code'), is filed by the petitioner - accused Nos.3 to 5, seeking to quash the proceedings against them in Crime No.508 of 2018 on the file of the Ghatkeshwar Police Station, Rachakonda, Telangana State, registered for the offences punishable under Sections 277, 278, 284 and 336 of the Indian Penal Code, 1860 and Section 15 of the Environment (Protection) Act, 1986 (for short 'Act 1986').

2. The main ground urged before this Court is that there is a clear bar under Section 19 of the Act, 1986 that no offence under Section 15 of the Act 1986 can be taken cognizance by the Court except on a complaint, but registration of the aforesaid Crime against the petitioner herein for the offence punishable under Section 15 of the Act, 1986 is an illegality, it is contrary to Section 19 of the Act, 1986, and requested to quash the proceedings on this ground alone.

3. Learned Public Prosecutor for the State of Telangana did not dispute the bar under Section 19 of the Act, while contending that other offences punishable under IPC shall be continued even if the proceedings for the offence punishable under Section 15 of the Act, 1986 are quashed.

4. Undoubtedly, there is a clear bar to take cognizance of the offence except on a complaint under Section 19 of the Act, 1986. Therefore, investigating into the offence punishable under Section 15 of the Act, 1986 by police Ghatkeshwar is without jurisdiction and, consequently, the proceedings against the petitioners herein for the offence punishable under Section 15 of the Act, 1986 are liable to be quashed, since it is against the purport of Section 19 of the Act, 1986.

5. Therefore, the proceedings against the petitioners - accused Nos.3 to 5 in Crime No.508 of 2018 on the file of the Ghatkeshwar Police Station, Rachakonda, Telangana State, in so far as the offence punishable under Section 15 of the Act, 1986 are hereby quashed, while permitting the Investigating Agency to proceed further to investigate into other offences punishable under IPC.

6. With the above observations, the present Criminal Petition is allowed in part at the stage of admission itself.

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition, stand closed.

M. SATYANARAYANA MURTHY, J

September 17, 2018
Mgr