

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

Sr. No.119

**CRM-M-48967-2017
Date of decision : 24.01.2018**

H.B. Singh and others

..... Petitioners

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Bharat Bhushan Sharma, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

This petition has been filed for quashing of FIR No.1156 dated 04.12.2016, registered at Police Station Karnal Sadar, Karnal, under Sections 268, 279, 285, 336, 337 and 427 IPC.

2. Contention of learned counsel for the petitioners is that the petitioners were in negotiations with the Municipal Corporation, Karnal, for running a solid waste disposal plant. The contract was granted to the petitioners, but they in fact never took possession of the site of the plant and therefore, they cannot be held responsible for any fire, which took place subsequently.

3. From the record, it is clear that the petitioners themselves and other officials had been visiting Karnal in connection with the establishment of a plant for solid waste disposal. The contract was also granted to the company of the petitioners. However, the plant was not operated in a proper manner and the conditions laid down in the contract agreement, were not fulfilled by the petitioners. As a result, a dispute arose with the Municipal Corporation, Karnal and the contract was terminated vide order dated

17.02.2017 (Annexure P-2). In the said order, it is recorded that a fire incident took place on 23.11.2016 in the premises of the solid waste disposal plant and smoke was emerging therefrom on the date, the FIR was lodged i.e. on 04.12.016. Thus, it cannot be said that no offence is made out from a bare perusal of the FIR. The issues raised by the petitioners are to be determined at the time of the trial of the case.

4. In view of the above, the petition is dismissed.

(SUDHIR MITTAL)
JUDGE

January 24, 2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No