

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Through Video Conferencing)**

CRM-M-42611-2020

Date of decision: 17.12.2020

M/s Shree Jagdamba Solvent and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Naren Pratap Singh, Advocate, for the petitioner.

Mr. Sandeep S. Mann, Additional Advocate General, Haryana.

NIRMALJIT KAUR, J. (Oral)

The present petition is filed under Section 482 Cr.P.C. seeking quashing of Criminal Complaint No.84 dated 6.12.2019 under Sections 44 of the Water (Prevention & Control) of Pollution) Act, 1974 for the violation of Section 25 of the Water (Prevention & Control) of Pollution) Act, 1974 and Section 37 for violation of Section 21 of Air (Prevention & Control of Pollution) Act, 1981.

While praying for quashing the aforesaid complaint, learned counsel for the petitioners submitted that the petitioners had applied for Consent to Operate (CTO) on 26.7.2019. In between since they were to come for inspection, the petitioners had to check as to whether the machines were operating properly and since there was technical snag, the machines were put into working condition after removing the defect. Thereafter, when the respondents came for inspection, they issued a show cause notice asking the petitioners to explain as to why the machines were operating without CTO. However, as per the stand of learned counsel for the petitioners, the machines were operating for the trial purpose as explained above.

The second ground raised by learned counsel for the petitioners is that the respondents themselves granted CTO on 19.11.20219 and therefore, nothing survives in the show cause notice and complaint.

Heard.

The arguments raised by learned counsel for the petitioners do not help because the very show cause notice and the complaint is with respect to the period when the petitioners were found to be operating their machines without CTO. The show cause notice does not pertain to the period after the issuance of the CTO when they were allowed to operate. Moreover, it was also established that the accused were found running M/s Shree Jagdamba Solvent without consent to operate from the head office and discharging untreated effluent beyond prescribed limit. In case, they were operating for trial purpose, there would have been no untreated effluent beyond the prescribed limit. The ground raised by learned counsel for the petitioners is in defence to be tested during the trial and cannot be made a basis for quashing.

According, no ground for quashing the complaint is made out.

Dismissed.

(NIRMALJIT KAUR)
JUDGE

17.12.2020
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No