

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

**CRM-M-54993-2019(O&M)
Date of decision:-7.1.2020**

M/s Softouch and another

...Petitioner

Versus

Chandigarh Pollution Control Committee, Chandigarh

...Respondent

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Dheeraj Mahajan, Advocate
for the petitioner.

H.S. MADAAN, J.(ORAL)

The petitioner has approached this Court challenging the summoning order passed by the Judicial Magistrate Ist Class, Chandigarh in a complaint case filed by Chandigarh Pollution Control Board, Chandigarh against the petitioner. The petitioner has done so without first approaching the Court of Sessions at Chandigarh. The explanation rendered by learned counsel for the petitioner is that since 30 similar cases are pending before this Court, therefore he has approached this Court directly instead of first approaching the Court of Sessions Judge, Chandigarh and furthermore, he is seeking quashing of the complaint itself. Therefore, he has filed the instant petition.

However, I find that the explanation rendered by the counsel is least convincing. The petitioner should have first approached

the Court of Sessions by filing revision petition against the summoning order and if the revision petition is accepted, there would not be any necessity of getting the complaint quashed. Therefore, the petitioner is relegated to the remedy of approaching the Court of learned Sessions Judge, Chandigarh at the first instance.

The petition stands disposed of accordingly.

7.1.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No