

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

CRM-M-10961-2022

Date of decision: 28.03.2022

**Shri Baba Builder through its proprietor Bhupender Kumar
...Petitioner**

Vs.

State of Haryana and another ...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Sharma, Advocate for the petitioner.

MANOJ BAJAJ, J. (Oral)

Petitioner is aggrieved against the issuance of challan dated 02.11.2020 (Annexure P-2) under Motor Vehicle Act, 1988 for violation of Traffic Rules, by overloading vehicle bearing No.HR-84-5529.

Learned counsel has argued that the vehicle in question, which is owned by the petitioner was not stopped by the traffic police, therefore, there is no question of assessing that it was over-loaded. He submits that through the challan dated 02.11.2020 (Annexure P-2), a penalty of Rs.76,500/- had been imposed and despite a representation dated 03.12.2021 (Annexure P-3) to the Regional Transport Authority, Jhajjar, Department of Transport, Government of Haryana (respondent No.2), petitioner has not received any response. Therefore, he has approached this Court for quashing of order dated 02.11.2020. In

support of his prayer, he has placed reliance upon the interim order dated 14.02.2022 (Annexure P-4), whereby this Court had issued notice of motion in a similar petition.

During the course of hearing, learned counsel for the petitioner was confronted with the maintainability of the petition under Section 482 Cr.P.C as the impugned action/order (Annexure P-2) is passed by the Regional Transport Authority, Jhajjar under the provisions of Motor Vehicles Act, 1988.

At this stage, learned counsel for the petitioner instead of assisting the Court had insisted that petition be disposed off with a direction to respondent No.2 to decide his representation.

After hearing learned counsel for the petitioner and considering the background of the case and the prayer made, this Court is not inclined to invoke the inherent powers under Section 482 Cr.P.C.

Dismissed.

(MANOJ BAJAJ)
JUDGE

28.03.2022

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No