

CRM-M-48264-2022

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

CRM-M-48264-2022

Date of decision:06.12.2022

Amandeep Singh

...Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Deepinder Brar, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks quashing of FIR No.162 dated 14.08.2018, registered at Police Station City Sunam, District Sangrur, under Section 4 of the Punjab Prevention of Damage to Public and Private Property Act, 2014, Section 33 of the Indian Forest Act, 1927 and Section 120-B IPC.

The above-noted FIR has been registered on the basis of a letter dated 27.06.2018 written by the Forest Division Officer, Sangrur. As per the contents of the aforesaid letter, the Forest Division Officer received a complaint that 13 green tress had been cut down by some mischievous elements just to tarnish his image during the season of transfers and the trees were lying on the spot.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner was not directly named in the FIR; that there is nothing on record which could

CRM-M-48264-2022

suggest that the petitioner had cut down the tress, and that the petitioner has been involved in the present case on the basis of a call detail qua conversation between the petitioner and the co-accused. Learned counsel further contends that in the complaint dated 27.06.2018, the official concerned stated that some miscreants had cut down the tress just to tarnish his image. Otherwise, the petitioner, who runs a construction company, has never violated any provision of law. Learned counsel further contends that the challan report does not reveal any corroborative evidence against the petitioner and that a concocted story has been made by the police in the FIR and there is no trustworthy evidence against the petitioner.

I have heard the learned counsel for the petitioner.

Indisputably, Sandeep Garg and others had executed an agreement with the petitioner for the development of the land, vide agreement dated 29.05.2017. As per the terms and conditions of the agreement, all approvals with regard to development has to be obtained by the developer i.e. petitioner. On 26.06.2018, the Forest Division Officer received a complaint that 13 trees alongside the road had been axed. The matter was inquired into and vide report dated 24.07.2018, it was concluded that Deepak Goyal had no direct role in axing the tress and the benefit of the same was to be received by the petitioner as there was a lengthy process for obtaining the requisite NOC. The Deputy District Attorney (legal) opined that for carving out a passage towards commercial complex, the petitioner had axed 13 trees without obtaining the permission from the Forest Department. Even after thorough investigation, challan has been presented against the petitioners under the aforesaid sections.

CRM-M-48264-2022

This Court cannot record any finding qua the call detail(s). The only question that requires to be determined at this stage is whether the registration of the FIR is an abuse of process of law. However, on the basis of facts on record, this Court does not find the proceedings to be an abuse of process of law.

The disputed questions of facts involved in the present petition, can only be determined on the basis of evidence to be led by the parties. In exercise of the powers under Section 482 Cr.P.C., this Court cannot conduct a mini trial so as to go into said questions. As noticed above, such inherent powers are to be exercised by this Court only under exceptional circumstances and when the proceedings, on the face of record, appear to be an abuse of process of law.

In the judgment of State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335, which has been followed in umpteen number of subsequent judgments, the Hon'ble Apex Court, has held that when a criminal proceeding is instituted with mala-fide intention to harass the person, the Court can quash the entire proceeding for the ends of justice. It was held as under:-

“(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156 (1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as

CRM-M-48264-2022

contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

The instant case does not fall under any of the above parameters laid down by the Hon’ble Supreme Court.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

06.12.2022

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No