

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29694 of 2017

Arising Out of PS. Case No.-337 Year-2016 Thana- KADAMKUAN District- Patna

Dr. Smt. Indu Mishra @ Indu Mishra wife of Late Dr. S.N. Mishra, Resident of Suleman Enclave, Flat- 203, Road No.-12, Rajendra Nagar, P.S.- Kadamkuan, District- Patna Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vivek Anand Amritesh Mr. Kumar Kamal Nayan Mr. Sudhanshu Trivedi
For the Opposite Party/s	:	Mr. Dinesh Singh- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-10-2023 1. Heard learned counsel for the petitioner and learned APP for the State.

2. The learned counsel for the petitioner submits that the present application has been filed seeking quashing of the order dated 24.02.2017 passed by Sri Deepak Kumar, the learned Additional Chief Judicial Magistrate, Patna in Kadamkuan P. S. Case No.337 of 2016, whereby cognizance has been taken under Section 188 of the I.P.C. and Section 15 of the Environment Protection Act.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that from perusal of the allegation as alleged



in the F.I.R., it would manifest that prima facie no offence is made out against the petitioner for the reason that it is not alleged in the F.I.R. that the generator was seized from the premises of the petitioner in a running condition. It is next submitted that the generator was purchased much prior to 2013 by the husband of the petitioner and since then, the generator was being used, but after the death of the husband of the petitioner in the Year 2013, the generator was put to disuse and was lying in an abandoned condition. It is next submitted that petitioner was aware that such generator are not to be used as they create environmental pollution, as such, it was kept in the house of the petitioner more on account of memory attached with it as the same was purchased by her late husband.

4. The learned counsel for the petitioner thus submits that when the generator was not in use, the same was not creating any pollution relating to environment nor there was any violation of the provisions of **Noise Pollution Regulation And Control Rules, 2000**. It is next submitted that till date, the stage of case from the stage of cognizance has not changed.

5. The learned Additional P. P. opposes the quashing application.

6. Considering the submission, the order dated



24.02.2017 passed by Sri Deepak Kumar, the learned Additional Chief Judicial Magistrate, Patna in Kadamkuan P. S. Case No.337 of 2016, whereby cognizance has been taken under Section 188 of the I.P.C. read with Section 15 of the Environment Protection Act is hereby quashed.

(Satyavrat Verma, J)

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