

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

CRM-M-2232-2023
Decided on : 16.01.2023

Krishan Lal Contractor

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Durgesh Aggarwal, Advocate
 for the petitioner.

Manjari Nehru Kaul, J.(Oral)

Petitioner is seeking to invoke the inherent jurisdiction of this Court under Section 482 Cr.PC for quashing of Forest Offence Report dated 19.09.2019 (Annexure P-1), Notice dated 30.12.2019 (Annexure P-2) issued by respondent No.2. Besides this, petitioner is also seeking quashing of order dated 23.12.2021 vide which he was declared Proclaimed Offender by the Presiding Officer, Special Environment Court, Kurukshetra.

Learned counsel while inviting the attention of this Court to the allegations levelled against the petitioner in the Forest Offence Report (Annexure P-1) submits that allegedly the petitioner, who was a Class-1 Government Contractor, along with other officials of PWD (B&R) Department while working on the construction of a road caused damage to 418 Neem plants, which had been planted on either side of the road by putting soil over them, which caused loss of Rs.41,800/- to the Forest Department. Learned counsel further submits that even no notice dated

30.12.2019 (Annexure P-2) was sent to the petitioner for a demand of Rs.2,50,800/-. Learned counsel still further submits that the petitioner had no knowledge of either the institution of the case under Sections 32 and 33 of the Indian Forest Act before Special Environment Court, Kurukshetra much less about the summons issued to him by the aforesaid Court on 09.12.2020 as no service was effected upon him. It has been still further submitted that in the circumstances, order dated 23.12.2021 (Annexure P-3) declaring the petitioner a proclaimed offender also deserved to be set aside. Learned counsel has further urged that it was only when a police official visited his house on 11.12.2022, he learnt about the impugned orders. Learned counsel has vehemently asserted that the notices and the summoning orders had been sent at a wrong address where the petitioner had not even been living for the last many years. Learned counsel for the petitioner has also vehemently argued that even otherwise the petitioner has been falsely implicated in the case in hand as no offence much less offences as alleged in the report dated 19.09.2019 were committed by him.

Heard learned counsel and perused the relevant material on record.

This Court does not find any substance in the submissions made by learned counsel for the petitioner of he having been unaware about the institution of the complaint in question and he having been summoned by Special Environment Court, Kurukshetra. The submissions made by the learned counsel that he had not been residing at the address on which notices as well as the summoning order (Annexures P-2 and P-3

respectively) were sent is belied from the fact that in the aadhar card of the petitioner as well as in the instant petition, the petitioner has given his address as House No.1006, Sector 5, Urban Estate, Kurukshetra. A perusal of the Forest Offence Report dated 19.09.2019 (Annexure P-1) as well as notice dated 30.12.2019 (Annexure P-2) as well as order dated 23.12.2021 vide which petitioner was declared a proclaimed offender reveal that they were also served on the same address i.e. House No.1006, Sector 5, Kurukshetra.

In the circumstances, the submissions made by learned counsel that the petitioner was not residing at the address where notices etc. were sent runs contrary to his own case. Moreover, it cannot be digested that the petitioner, who is a Class-1 Government Contractor, and had been named as an accused alongwith other officials of PWD(B&R) Department would not have been aware about the institution of the complaint in question, summoning order issued by Special Environment Court and having been declared a proclaimed offender.

Furthermore, this Court at this stage, cannot delve into the truthfulness of the allegations levelled against the petitioner in the Forest Offence Report.

Prima facie there are specific allegations against the petitioner and it is only during trial, the authenticity or otherwise of the allegations levelled in the complaint in question would be put to test.

As a sequel to the above, this Court does not find any merit in the submissions made by learned counsel for the petitioner. Accordingly,

the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.01.2023
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No