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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-30476-2023 in/and
CRM-M-5133-2023 (O&M)
Date of decision: 26.07.2023

M/s Unipran Sales Pvt. Ltd.

....Petitioner

versus

State of Haryana

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Kushagra Beniwal, Advocate for petitioner.

Mr. Karan Garg, AAG, Haryana.

ARUN MONGA, J. (ORAL)

CRM-30476-2023

Application is allowed, as prayed for.

Copy of judgment dated 19.04.2023 passed by Presiding Officer-cum-JMIC, Special Environment Court, Faridabad (Annexure P-12) is taken on record, subject to all just exceptions.

Main case

The instant petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking quashing of FIR No.208 dated 29.08.2021 (Annexure P-1), registered under Section 174-A of the Indian Penal Code, 1860 (IPC), at Police Station, Bhondsi, District Gurugram and subsequent proceedings arising out of said FIR in the light of the fact that in complaint case petitioner has been acquitted vide order dated 19.04.2023 (Annexure P-12) passed by Presiding Officer-cum-JMIC, Special Environment Court, Faridabad.

2. Learned counsel for the petitioner submits that complaint was filed in a mechanical manner without naming any person. Proclamation was issued in violation of the statutory provisions of Sections 82 and 83 of Cr.P.C. and thus, the same is also

unsustainable in the eyes of law. He further submits that company is appearing before the trial Court through Mr. Durga Lal and hence, the proclamation issued does not survive.

3. Learned counsel for the petitioner also submits that petitioner has been acquitted in complaint under Section 15 of the Environment Protection Act, 1986 vide order dated 19.04.2023, which is on record. He further contends that no useful purpose would be served by keeping the present proceedings pending.

4. Learned State counsel opposes the prayer made and submits that order declaring the petitioner as proclaimed person has rightly been passed. He further submits that the offence under Section 174A IPC is independent of the main case.

5. Arguments heard.

6. Very purpose of initiating proceedings under Section 82 Cr.P.C. was to secure presence of petitioner in the trial. Since the petitioner has already been acquitted in the main case, trial itself is already stated to be concluded, there is no requirement of petitioner to appear before learned trial Court any further. Present proceedings are thus rendered otiose.

7. In view of aforesaid, I see no grounds as to why further proceedings under Section 174-A IPC for non-appearance of petitioner pursuant to proclamation under section 82 of Cr.P.C. should continue as same would be an exercise in futility and wastage of precious time of learned Court below.

8. In the totality of circumstances, FIR No.208 dated 29.08.2021 (Annexure P-1), registered under Section 174-A IPC at Police Station Bhondsi, District Gurugram, Haryana and subsequent proceedings arising out of said FIR are quashed in view of the aforesaid.

9. Petition is allowed accordingly.

10. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

26.07.2023

vandana

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No