

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-23935-2018 (O&M)
Date of decision: 18.07.2023

Manjit Singh Janda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. S.S. Rangi, Advocate for the petitioner.
Mr. Gurdarshan Singh Sidhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the petition is for quashing of FIR No.4 dated 14.01.2016 registered under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, hereinafter referred as 'the Act', at Police Station Bullowal, District Hoshiarpur.

Status report by way of affidavit dated 08.10.2018 of the Deputy Superintendent of Police, Sub-Division Hoshiarpur, already filed in the Registry is taken on record.

Learned counsel for the petitioner submits that the FIR is not maintainable, as per the Act, no FIR can be registered only a complaint can be filed under Section 22 of the Act. He further submits that matter is covered by decisions passed by this Court in Jagjit Singh Vs. State of Punjab, 2014 (5) Law Herald 4503 and Harmela Ram Vs. State of Haryana, 2013 (3) RCR (Criminal) 141.

Learned State counsel on the instruction from ASI Kashmiri Lal submits that the cancellation report has already been filed before the learned trial Court on 20.03.2023 and the same is pending adjudication.

I have heard the learned counsel for the parties and have also gone through the documents on record.

As per the provisions of Section 22 of the Act, no Court can take cognizance of an offence punishable under the Act except upon complaint in writing made by a person authorized in this behalf. Moreover, cancellation report has already been filed in the learned trial Court.

In view of the above, no further order is called for in the present petition.

Disposed of.

18.07.2023

Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No