

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

CRM-M-39805-2021

Date of Decision: January 25, 2023

Balwinder Kaur

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. S.K. Garg Narwana, Sr. Advocate with
Mr. Sanjay Jain, Advocate for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

DEEPAK GUPTA, J.(Oral)

By way of this petition under Section 482 Cr.P.C., petitioner has prayed for quashing of criminal complaint case No.146, dated 30.06.2021, under Section 33 of the Indian Forest Act, 1974 (Annexure P-1) and summoning order dated 30.06.2021 (Annexure P-2) and subsequent proceedings arising therefrom as the complaint does not disclose the commission of any criminal offence.

2. Vide order dated 27.09.2021 before issuing notice of motion, it was submitted by the petitioner that in order to buy peace, she was ready to make payment of ₹1,55,000/-, which has been assessed as compensation. That amount has since been deposited with the Forest Department as is apparent from the next order dated 28.10.2021.

3. Learned State counsel submits that concrete structure has been raised by the petitioner on the forest land. However, as per the report of the Forest Department (Annexure P-1), some concrete was lying on the forest land, which was in the illegal possession of the petitioner. It is conceded by learned State counsel that now possession of the land in question is with the Forest Department. As such, nothing is left.

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4. Offence in question is compoundable. If there is any concrete lying on the land, Forest Department can remove the same as it is already now in possession of the same.

5. As such, complaint case No.146, dated 30.06.2021, under Section 33 of the Indian Forest Act, 1974 (Annexure P-1) and summoning order dated 30.06.2021 (Annexure P-2) and subsequent proceedings arising therefrom, are hereby quashed.

Disposed of.

January 25, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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