

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-37640-2023 (O&M)
Date of Decision: 03.08.2023

BALVIR CHAND

... Petitioner

Versus

STATE OF PUNJAB AND ANR

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Avtar S. Khinda, Advocate
for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for quashing FIR No.101 dated 17.12.2022, registered under Sections 4(1), 21(1), 21(2) of Mines and Minerals (Regulation and Development) Act, 1957, at Police Station Kathgarh, District Shaheed Bhagat Singh Nagar, along with all the subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits that the only legal point issued in this petition is that the FIR was registered by a private persons, namely, Vijay Kumar son of Kishan Chand, resident of Beharari, Tehsil Balachaur, District Shaheed Bhagat Singh Nagar, whereas as per Section 22 of the Mines and Minerals (Regulation and Development), Act 1957 (hereinafter referred to as 'the Act'), only a person authorized by the Central Government or the State Government is entitled to file a complaint. Section 22 of the Act would read as under:-

'22. Cognizance of offences: No Court shall take cognizance of any offence punishable under this Act or any rules made thereunder except upon complaint in writing made by a person authorized in this behalf by the Central Government or the State Government'.

Notice of motion to respondent No.1-State only, at this stage.

On the asking of this Court, Mr. CL Pawar, Additional AG Punjab, accepts notice on behalf of respondent No.1-State only. He, on the instructions from ASI Paramjit Singh, submits that the investigation is at an initial stage and that the petitioner can raise all the pleas before the Investigating Officer concerned.

In view of the above, the petitioner would be at liberty to raise all the pleas and agitate his grievances before the Investigating Officer concerned, if so advised and the same shall be taken into consideration by the said officer.

Disposed of, at this stage.

03.08.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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