

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-38390-2019 (O & M)

Date of decision: 02.03.2023

Avanti Overseas Pvt. Ltd.

... Petitioner

V/s

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Viraj Gandhi, Advocate,
Mr. Adarsh Dubey, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Rajesh Gaur, Advocate,
for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for the quashing of FIR No.423 dated 27.07.2019 under Sections 174-A IPC registered at Police Station Fardiabad Central, Faridabad alongwith all consequential proceedings arising therefrom.

The learned counsel for the petitioner contends that the notice was served upon the petitioner-company at the address located at Nehru Place, Delhi in the year, 2014 despite the fact that the company had changed its address to D-37, South Extension Part-II, New Delhi in the year, 2010. He has referred to various documents attached to the petition to substantiate his argument. He has also referred to the order dated 21.06.2019 (Annexure P-8) to buttress his arguments that the said fact has also been recorded in the order granting bail to the petitioner in complaint case bearing No. 110 of

14.05.2014 titled as 'HSPCB versus Avanti Overseas' under Section 15 of

the E.P. Act. In addition, he contends that in the aforesaid complaint case, the charges were framed on 03.02.2022 and the petitioner has been appearing regularly since 2019. He, however, very fairly concedes that all the prosecution witnesses already stand examined.

The learned counsel for the State has also fairly admitted that the documents placed on record by the petitioner cannot be controverted with respect to the contention raised by him that the service was effected at the wrong address.

I have heard the learned counsel for the parties.

Keeping in mind the stage of the Trial, it would not be appropriate for this Court to interfere in the present case at this stage.

However, the present petition is disposed of with liberty to the petitioner to raise all the grounds raised in the present petition before the Trial Court at the appropriate stage. It is expected that the Trial Court shall appreciate the documents referred to in the present petition in their proper perspective and thereafter proceed with the Trial in accordance with the law.

March 02, 2023
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No