

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.128

**CRM-M-897-2023 (O&M)
Date of decision : 09.01.2023**

Dinesh

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sachin Kaushik, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner parked his car on a narrow road resulting in impeding of the flow of traffic. According to the contents of the FIR, flow of traffic was disrupted for about two hours.

Learned counsel for the petitioner has argued that Section 283 of Indian Penal Code, 1860 (hereinafter referred to as the IPC) is not applicable in the facts of this case because only public inconvenience was caused. There was no complete obstruction of the traffic. Moreover, the said provision pertains to National Highways.

Section 283 IPC is reproduced below for ready reference:-

‘283. Danger or obstruction in public way or line of navigation.— Whoever, by doing any act, or by omitting to take order with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, shall be punished with fine which may extend to two hundred rupees.’

The aforementioned provision specifically states that any person causing obstruction in any public way shall be punished with fine. Parking of a car in a no parking narrow zone amounts to obstruction. The law does not require complete obstruction and impeding of flow of traffic is also ‘obstruction’ within the meaning of Section 283 IPC. Moreover, the submission that the provision is confined to National Highways is mis-conceived as it is not borne out from the language thereof.

In view of above, it cannot be said that a perusal of the FIR does not reveal commission of any offence.

Accordingly, the petition is mis-conceived and is dismissed.

(SUDHIR MITTAL)
JUDGE

09.01.2023
Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes / No

Yes/ No