



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-10013-2021

Date of decision: 27.05.2024

HARYANA AROMEX AND ANOTHER

.....Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. P.K. Mutneja, Senior Advocate with
Mr. Suverna Mutneja, Advocate
for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. Alleging abuse of authority and malicious prosecution, the petitioner has approached this Court averring that the respondent-officials forcibly entered into the premises of the petitioner without any complaint of any nature whatsoever of any violation and seized the anchors of the petitioner, who is engaged in the manufacturing of industrial oil under the pretext that adulteration was being caused by the petitioner. An FIR No. 0181 dated 07.04.2021 was registered under Section 420 of the IPC at Police Station Gharaunda, District Karnal. The petitioner claims that the tankers were seized by the respondents for a period of 07 months due to which the factory of the petitioner remained unoperational causing huge financial loss. He has

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further prayed that the tankers ought to be released immediately and compensation be awarded to the petitioner for the illegal acts committed by the respondents.

2. It has been informed by the Counsel for the State that a cancellation report has already been submitted by the respondent-authorities in the above said FIR No. 0181 dated 07.04.2021 and that the tankers had also been released.

3. Counsel for the petitioners, however, contends that his grievance with respect to grant of compensation would nonetheless survive. It is not in dispute that the question of compensation and its quantification is a matter which would require leading of evidence. Even though the counsel for the petitioner contends that copy of the complaint has not been shown to him on the basis whereof the FIR was registered and proceedings initiated, however, it is not in dispute that a cancellation report has been submitted and in which there is a reference of a secret information having been received by the officials before initiation of the proceedings. A detailed procedure in relation to initiating action on receipt of the secret information is provided for the functioning of the authorities and it is expected that the authorities have acted as per the procedure prescribed. Nonetheless, in the event of any violation or procedure undertaken by the respondent-authorities, the petitioner would be at liberty to summon such evidence as may be necessary for him to establish his case for claiming compensation and quantification thereof.



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4. The present writ petition is accordingly **disposed of** with liberty to the petitioner to take recourse to alternative remedies (Both Civil and Criminal) against the respondent-State as well as private respondent for seeking compensation, if any, for violation of the Civil Rights of the petitioner, as alleged.

(VINOD S. BHARDWAJ)
JUDGE

MAY 27, 2024
Vishal sharma

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