



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

CRM-M No.34882 of 2024

Date of decision: 26th November, 2024

Sanjeev Sethi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Namit Khurana, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking quashing of FIR No.353 dated 09.08.2022 under Sections 3, 7, 10 of the Essential Commodities Act, 1955 and Clause 28 of the Fertilizer (Control) Order Act, 1985 and 420 of IPC registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar along with all consequential proceedings including challan (Annexure P-12).

2. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in a case involving allegations of misuse of subsidized urea meant for agricultural purposes. Drawing the attention of this Court to the FIR, annexed as Annexure P-1, the learned counsel submits that, according to the allegations, a raid was purportedly conducted on the premises of "Himalayan Panel" on 22.07.2022. During the raid, sealed bags of technical-grade urea were allegedly recovered,

leading to the registration of the FIR on the suspicion that the petitioner's firm had supplied subsidized agricultural-grade urea to the said factory.

3. Learned counsel for the petitioner further assets that the petitioner operates a firm, M/s Krishna Enterprises, which exclusively deals in technical-grade urea, manufactured specifically for industrial purposes and distinct from agricultural-grade urea, which is subsidized and intended for farmers. It is argued that the petitioner procured the technical-grade urea from Gujarat Narmada Valley Fertilizers and Chemicals Limited under proper tax invoices, E-way bills, and certificates of analysis. In support, learned counsel has drawn the attention of this Court to the relevant documents which have been annexed as Annexure P-2 to P-4 and P-5 to P-7, which as per him confirm that the material in question was technical-grade urea.

4. It is further submitted by the learned counsel that the petitioner had no involvement in any alleged misuse of agricultural-grade urea. The urea supplied by the petitioner was thoroughly tested by the manufacturer prior to dispatch, with reports confirming it to be non-subsidized technical-grade urea. The petitioner, subsequently, supplied the same urea to "Himalayan Panel" on 25.05.2022 and 22.07.2022 through proper tax invoices, annexed as Annexure P-9.

5. Learned counsel for the petitioner also highlights discrepancies in the findings of the laboratory reports. Specifically, while one sample indicated neem oil content slightly exceeding the

permissible limit (0.039 against the permissible limit of 0.035), the other sample was well within the permissible range i.e. 0.028. The learned counsel contends that this minor variation could have resulted from contamination during handling and testing, and is too insignificant to suggest any criminal intent or misuse of subsidized urea. He argues that the E-way bills, tax invoices, and laboratory reports clearly establish that the petitioner acted in a good faith as a bona fide purchaser and supplier of technical-grade urea, without any involvement in the alleged misuse. The learned counsel, in the light of the aforementioned submissions, submits that continuation of proceedings against the petitioner would be nothing but an abuse of the process of law and thus, the FIR along with all consequential proceedings arising therefrom deserve to be quashed.

6. I have heard learned counsel for the petitioner and perused the relevant material on record.

7. Learned counsel for the petitioner has raised disputed questions of fact which cannot be adjudicated upon under the inherent jurisdiction of this Court as envisaged under Section 482 of the Cr.P.C./528 of BNSS. It is well settled principle that this jurisdiction should be exercised sparingly and only in exceptional circumstances, where a clear case of abuse of process of law or miscarriage of justice is evident.

8. In the present case, the FIR contains specific allegations regarding the misuse of subsidized agricultural-grade urea for non-agricultural purposes. These allegations raise disputed factual issues that

require a detailed examination of evidence, which can only be addressed during trial. Such an evaluation, including the cross-examination of witnesses, is beyond the scope of the jurisdiction of this Court at this stage.

9. Consequently, the prayer of the petitioner for quashing the FIR and consequential proceedings arising therefrom cannot be entertained at this juncture.

10. Dismissed.

11. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

November 26, 2024
rps

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