

CRM-M-35556-2024
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-35556-2024
Decided on: 05.08.2024

Taj Mohammad ...Petitioner

Versus

State of Haryana and others ...Respondents
CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

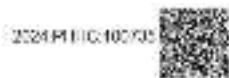
Present: Mr. Anil Mehta, Advocate and
Mr. Prashant Kumar Kapila, Advocate For the petitioner.

Mr. Vikrant S. Pamboo, Sr. DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0006	19.06.2024	Anti Corruption Bureau, Distt. Panchkula	58 of Haryana Drainage and Canals Act 1974, Section 4 & 21 of Mines and Minerals (Regulation and Development) Act 1957; Section 379, 414, 420 IPC and 13(1)(a)/13(2) of PC Act

1. Seeking quashing of the above captioned FIR, petitioner has come up before this Court by filing the present petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita 2023.
2. I have heard counsel for the petitioner to ascertain whether the matter is worth for issuing notice or not and I have also gone through the petition and its analysis would lead to the following outcome.
3. The petitioner’s grievance is that earlier an FIR No.1571 was registered at Haryana State Enforcement Bureau, Ambala, Haryana, Police Station on 11.06.2024. However, after that on 19.06.2024, another FIR No.0006 has been registered at Police Station Anti Corruption Bureau, Panchkula on the same set of allegations and second FIR on the same set of allegations, is violative of Section 337 of BNSS as well as Article 20 Clause (2) of Constitution of India. Copy of the FIR No.1571, which was registered earlier i.e. on 11.06.2024, has been annexed as Annexure P-2. Perusal of the FIR reveals that a surprise inspection was done in Village Bansghati by the Anti Corruption Bureau, Panchkula and during the investigation, a Poclain No.516/812225600 and JCB



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No.HR03X-2336 (HAR3DXXTE02676210) were found there and two dumpers HR58B-9965, HR68B-4491 and tractor trolley HR49B-1834 was caught while doing illegal mining of gravel (BGS). However later on, an FIR No.0006 dated 19.06.2024 mentions that one Dumper (No.PB65 AK4363) which was carrying illegally extracted material/mineral from illegal mining area near Graveyard (KABRISTAN). Dates of the FIR would reveal that they are not old but was registered only in the month of June and investigation would be going on.

4. Needless to say that if the offence is one then at later stage, FIRs can be clubbed into one.

5. The FIR which is sought to be quashed was because of surprise check taken place on 06.01.2024 and found involvement of Dumper No.PB65 AK4363, which was carrying illegal extracted material from Kabristan, whereas, the earlier FIR No.1571 dated 11.06.2024 was registered because of detection of different vehicles i.e. a Poclain No.516/812225600 and JCB No.HR03X-2336 (HAR3DXXTE02676210) and two dumpers HR58B-9965, HR68B-4491 and tractor trolley HR49B-1834.

6. A perusal of both the FIRs explicitly points towards the involvement of different vehicles. Undoubtedly both the FIRs pertain to the same date but it is yet to be seen about involvement of drivers, role of drivers and owners of such vehicles.

7. Given above, prima facie on the face of it, there was no illegality in registration of separate FIRs, as such, this is not a case worth issuing notices at this stage. Be that as it may, if separate prosecution are launched with regard to the present FIRs by filing separate report under Section 173 CrPC (Section 193 BNSS), then it shall be permissible for the petitioner to file an appropriate petition before this Court or the concerned Court.

8. Thus, in the entirety of facts and circumstances and keeping in view the very early stage of FIRs and mentioning of separate vehicles in both the FIRs, it is not a case worth for issuing notice.

9. Consequently, the registration of two FIRs is neither violation of Article 20 of Constitution of India nor Section 337 BNSS.

10. Petition stands dismissed. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

05.08.2024

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Whether speaking/reasoned: Yes

Whether reportable: No.