

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.834 of 2019

Arising Out of PS. Case No.-1217 Year-1999 Thana- PATNA COMPLAINT CASE District-
Patna

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1. A.K. Jain, Son of Bijay Kumar Jain, Representative E.S.D.E.E Cement Pvt. Ltd. Resident of - Udaipur, P.S.- Kalyanpur, Distt - Dhanbad.
 2. B.K. Jain, Son of Late Shambhu Dayal Jain, Director E.S.D.E.E Cement Pvt. Ltd. Resident of - Udaipur, P.S.- Kalyanpur, Distt - Dhanbad.
 3. A.P. Jain, Son of Late Shambhu Dayal Jain, Managing Director, E.S.D.E.E Cement Pvt. Ltd., Resident of - Udaipur, P.S.- Kalyanpur, Distt - Dhanbad.

... .. Petitioner/s

Versus

1. State Of Bihar Through Principal Secretary Deptt. Of Forest And Environment, Bihar, Patnae
2. The Bihar State Pollution Control Board, through the Chairman, Beltron Bhawan, Baily Road, Patna. Bihar
3. The Law Officer, Bihar State Pollution Control Board, Baltron Bhawan, Baily Road, Patna. Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Saobiya Mushtaque, Advocate.
For the State : Mr. Dhurjati Kumar Prasad, G.P. -14

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

8 16-12-2025 Present writ petition has been preferred for quashing the entire criminal proceeding initiated against the petitioners by Respondent Nos. 2 and 3 under Section 37 of the Air (Prevention and Control of Pollution) Act, 1981 in Complaint Ccase No. 1217(M) of 1999 pending in the court of learned Sub Divisional Judicial Magistrate, Patna, directing the Respondents not to take any coercive measure against the petitioners.

2. In course of hearing, it also transpires that in the criminal complaint, cognizance has been also taken against the petitioners and summons was issued against them. Even they



have been declared absconder because they have not appeared despite issuance of processes vide order dated 7.1.2013.

3. Heard both the parties.

4. It is pertinent to mention that any criminal complaint unlike FIR cannot be sought to be quashed, because in criminal complaint unless cognizance of offence by competent court is taken in the complaint, no harm can be done to the petitioner. Only after taking cognizance and issuance of summons against the petitioners in the complaint, the cause of action arises to the accused/petitioners to resort the judicial proceeding against the cognizance or summoning order and for doing such things, the petitioners have always alternative efficacious remedy to file a petition against the cognizance or summoning order under revisional jurisdiction or inherent jurisdiction of this Court.

4. Hence, the present writ petition is misconceived.

5. Accordingly, the present writ petition is dismissed as misconceived giving liberty to the petitioners to prefer appropriate petition, if so advised.

(Jitendra Kumar, J)

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