



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

CRM-M No.22159 of 2015 (O&M)

Reserved on: 10.02.2026

Date of Decision :12.02.2026

Devinder Sandhu

.....Petitioner

Versus

Punjab Pollution Control Board

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr. G.S.Bhatia, Advocate and
Mr. K.S. Rupal, Advocate for the petitioner.

Ms. Harpriya Khaneka, Advocate for the respondent.

SURYA PARTAP SINGH, J. (Oral):

By virtue of this petition under Section 482 Cr.P.C. the extraordinary jurisdiction of this Court has been invoked for quashing of complaint No.6 dated 21.02.2014, filed by the respondent, and also the summoning order dated 12.05.2015 passed in the above mentioned complaint. The above mentioned complaint has been filed by the respondent against the petitioner and his co-accused, for the commission of offence punishable under Section 19 of the Environment (Protection) Act 1986. It has been alleged that the petitioner and his co-accused had violated the notification dated 14.09.2006.

2. Briefly stating that the facts emerging from record are that the above mentioned complaint has been filed by the respondent alleging that in



exercise of the powers conferred by sub section (1) and clause (v) of sub section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub rule (3) of Rule 5 of the Environment (Protection) Rules, 1986, the Union Ministry of Environment & Forests had issued Environment Impact Assessment Notification, 2006, vide Notification no. S.O. 1533 (E) dated 14/9/2006, in supersession of Notification no. S.O. 60 (E) dated 27.1.1994. Vide above mentioned notice, it has been provided that new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to the said notification shall be undertaken in any part of India only after the prior environmental clearance from the Central Government, or as the case may be by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub section (3) of section 3 of the Environment (Protection) Act, 1986.

3. According to complainant the 'M/s WWICS Estates Private Limited', i.e. the accused no. 1, was established in the year 2001, for developing residential complex namely 'Imperial Heights' in the revenue estate of village Sante Majra, Tehsil Kharar, District SAS Nagar, Punjab. As per complainant, the accused no. 1 is an industry within the meaning of section 16 of the Environment (Protection) Act, 1986, whereas the accused nos. 2 to 4, (Baljit Singh Sandhu, Sh. Devinder Sandhu and Dilraj Sandhu), are the Director/Subscriber of accused No. 1. As per complainant they all are incharge of and responsible for the conduct and day to day business/functioning of accused No.1. According to complainant, in view of their respective positions, they all are liable to be proceeded against in



accordance with Law for the offences committed by the accused no.1, i.e. 'M/s WWICS Estates Private Limited', being directors of the company.

4. As per complainant during visit it was also observed that the colonizer of the abovementioned company started the construction over the site raising construction for the group housing project located in the residential zone as per Master Plan of Kharar, without obtaining environmental clearance under EIA notification, as total constructed area of the site was found to be more than 20,000 square meter. The complainant has further alleged that the above mentioned body was raising construction activities of the above mentioned building in violation of the provisions of Environment Protection Act, 1986. It has also been alleged by the complainant that the petitioner and other accused were illegally discharging partly treated effluent onto land, thus, degrading the environment, sub-soil and underground water intentionally & deliberately.

5. In addition to above, it has also been alleged by the complainant that the petitioner and his co-accused intentionally and deliberately violated the provisions of EIA Notification dated 14.9.2006 issued by the Ministry of Environment & Forests, Government of India, New Delhi, issued under the provisions of Environment (Protection) Act, 1986. As per complainant, in the above mentioned fashion the accused no. 1 to 4 have committed the offence punishable under Section 15, read with Section 16, of the abovementioned Act. Hence the complaint.

6. Heard.

7. It has been contended on behalf of petitioner that the accused No.1



‘M/s WWICS Estates Private Limited’ is a body dedicated for promoting housing project. According to learned counsel for the petitioner the complaint has been filed by the complainant on the basis of false averments, and that without any deliberation violation or existence of *mens rea* the petitioners have been prosecuted in the present case. According to learned counsel for the petitioner the complaint filed by the respondent is not maintainable.

Firstly, because the petitioner was not resident of the local area whereupon the learned trial Court exercise its territorial jurisdiction and therefore, he could not have been summoned unless a report from the police under Section 202 Cr.P.C. was obtained. As per learned counsel for the petitioner the learned trial Court has failed to follow the above mentioned mandatory provisions of law.

With regard to above, the learned counsel for the petitioner has referred to the principles of law, laid down by this Court in the case of ‘S.K. Bhowmik Vs. S.K.Arora and another’, 2007(4) CRC (Criminal) 650, wherein it has been observed that a magistrate cannot issue a process to an accused, who, resided outside his territorial jurisdiction, without holding an inquiry under Section 202 Cr.P.C. In addition to above, the learned counsel for the petitioner has also referred to the principles of law laid down by this Court in the case of ‘Savera Sidhu Vs. Harleen Sidhu and another’, 2011(2) RCR (Criminal) 442 and ‘Smt. Neeta Sinha Vs. P.S.Raj Steels Private Limited’,



2010(3) RCR (Criminal) 509, wherein similar views have been taken.

Secondly, that the learned trial Court vis-a-vis complainant have failed to appreciate that necessary sanction was accorded to raise construction and that the prosecution of the petitioner has been launched by ignoring the above mentioned permission.

Thirdly, that the learned trial Court has no territorial jurisdiction to entertain the complaint and;

Fourthly, that the complaint was not filed by an authorized person. According to learned counsel for the petitioner the complaint in question has been filed by the Assistant Environmental Engineer, Punjab Pollution Control Board, and that the above named authority was not competent to file the above mentioned complaint.

With regard to above mentioned contention, the learned counsel for the petitioner has relied upon the principles of law laid down by the Hon'ble Supreme Court in the case of 'P. Pramila Vs. State of Karnataka and another', 2015(2) RCR (Criminal) 827, wherein it has been observed that a complaint under Sections 37 and 43(1) of the Air Prevention and Control of Pollution Act 1981 can be filed either by the Pollution Control Board or by its Chairman in terms of Mandate contained in Section 43(1) of the Air Act. According to



Hon'ble Supreme Court of India, the power to file the complaint cannot be exercised by any other authority/Officer.

8. It has also been pointed out by the learned counsel for the petitioner that in the present case the statute provides that the power to prosecute the violator of the Act lies with the Central Government and that the Central Government had delegated the power to the State Government, and thus, the State Government while enjoying the delegated power, is not entitled to further delegate it to any other body or authority. In this regard the learned counsel for the petitioner has referred to the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Mangulal Chunilal Vs. Manilal Maganlal and another', AIR 1968 (SC) 822.

9. The above mentioned arguments have been controverted by learned counsel for the respondent. It has been contended by learned counsel for the respondent that the present petition has been filed on false grounds, without any legal basis, and that all the grounds raised by the petitioner in the present petition are not only contrary to the factual matrix of the case, but also to the settled principles of law. According to learned counsel for the respondent the pleas raised by the petitioner with regard to non-compliance of Section 202 Cr.P.C., vis-a-vis territorial jurisdiction of the learned trial Court, are not sustainable primarily on two aspects *firstly*, that the prime accused in the present case is accused No.1 'M/s WWICS Estates Private Limited' and not the petitioner, and *secondly*, the head quarter of above mentioned body is situated at a place which is within the



territorial jurisdiction of learned trial Court. As per learned counsel for the petitioner, this plea of the petitioner is not sustainable at all that there is violation of mandatory provisions enshrined under Section 202 Cr.P.C. or that the learned trial court has no territorial jurisdiction to take cognizance upon the instant complaint.

10. With regard to plea of petitioner that the petitioner was already having NOC for raising construction, and therefore, the complaint is not sustainable, it has been specifically pointed out by learned counsel for the respondent that the contents of the above mentioned NOC in itself makes it clear that the above mentioned NOC was not unconditional. Rather it was subject to the condition that petitioner before raising construction will obtain environmental clearance. However, in the case in hand by the time when inspection was made and construction was in progress, the environmental clearance was not obtained by the petitioner.

11. The learned counsel for the respondent has controverted the allegations of learned counsel for the petitioner qua the fact that the complaint has not been filed by the competent authority. According to learned counsel for the respondent vide notification dated 14.09.2006, Assistant Environmental Engineer, Punjab Pollution Board was competent to file a complaint, and therefore, on this ground also the plea for cancellation of quashing of complaint is not sustainable.

12. The record has been perused carefully.

13. With regard to quashing of a prosecution the guiding principles have been laid down by the Hon'ble Supreme Court of India in the case of



Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and others 2021
SCC Online SC 315. Those guidelines are as under:

- “i) The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the ‘rarest of rare cases (not to be confused with the formation in the context of death penalty).
- ii) While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;
- iii) Criminal proceedings ought not to be scuttled at the initial stage;
- iv) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;
- v) The functions of the judiciary and the police are complementary, not overlapping;
- vi) Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;
- vii) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;
- viii) The power under Section 482 Cr.P.C. is very wide, but conferment of wide power requires the court to be more



cautious. It casts an onerous and more diligent duty on the court;

- ix) However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in the cases of R.P. Kapur (supra) and Bhajan Lal (supra), has the jurisdiction to quash the FIR/complaint.”

14. In addition to above, in the case of ‘State of Haryana Vs. Bhajan Lal, 1992 Suppl. (1) SCC 335’, the Hon’ble Supreme Court of India after reviewing large number of cases on the question of quashing of FIR has laid down that the FIR can be quashed in the following circumstances:-

- a) Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.
- b) Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.
- c) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same



do not disclose the commission of any offence and make out a case against the accused.

- d) Where, the allegations in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.
- e) Where the allegations made in the F.I.R. or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.
- f) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.
- g) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.



15. With regard to similar situation, the Hon'ble Supreme Court of India in the case of 'Gian Singh Vs. State of Punjab (2012) 10 Supreme Court Cases 303', has observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. As per Hon'ble Supreme Court, the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code of Criminal Procedure. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accordance with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court."

16. Similarly in the case of 'Sadiq B. Hanchinmani Vs. State of Karnataka', Criminal Appeal No.4728 of 2025, the Hon'ble Supreme Court of India has ruled that police investigation should be allowed to proceed unless exceptional circumstances warrant intervention. According to Hon'ble Supreme Court of India the High Court should not interfere with the investigation when allegations in FIR disclose cognizable offences.

17. In the case of 'M/s Balaji Traders Vs. The State of U.P. & Anr. 2025(3) RCR (Criminal) 175', the Hon'ble Supreme Court of India has ruled that jurisdiction of quashing of FIR should be exercised sparingly in the 'rarest of rare cases'. As per Hon'ble Supreme Court of India allegations in FIR or



complaint must be taken at face value and accepted in their entirety to assess whether they disclose a cognizable offence.

18. In the case of 'Muskan Vs. Ishaan Khan (Sataniya)' Criminal Appeal No.4752 of 2025, the Hon'ble Supreme Court of India held that the Court should not conduct a mini-trial at the stage of quashing and that quashing of FIR should be an exception and exercised sparingly in rarest of rare cases. The Hon'ble Supreme Court of India has further held that Courts cannot embark upon an enquiry as to the reliability or genuineness of allegations made in the FIR/complaint.

19. In the light of above mentioned legal principles, first of all the plea raised by the petitioner with regard to territorial jurisdiction of the learned trial Court and also the requirement of Section 202 Cr.P.C. has to be looked into. Both the above mentioned issues are interconnected.

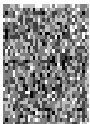
20. As far as the above mentioned issues are concerned, at the very outset, it is pertinent to mention here that there is no denial of the fact that the accused No.1 in the complaint, is group housing project company and the above mentioned body is having its project site at a place which is within the territorial jurisdiction of the learned trial Court. Since the petitioner is Managing Director of the above mentioned body, having its project site within the territorial jurisdiction of learned trial Court, the petitioner cannot claim the violation of Section 202 Cr.P.C. by projecting that his residential address is situated outside the territorial jurisdiction of learned trial Court. In fact, the contents of Section 202 Cr.P.C. makes it abundantly clear that the above mentioned provision was incorporated by the legislation to protect a person



living outside the territorial jurisdiction of the trial Court from unnecessary harassment. In the case in hand the place of work of the petitioner wherein the construction site of prime accused is situated, is within the territorial jurisdiction of the trial Court and the violation is by the prime accused No.1 and not by the petitioner in his personal capacity. Thus, it is hereby held that there was no requirement of seeking report under Section 202 Cr.P.C., before passing the summoning order. Hence, it is hereby held that factual matrix of the present case being altogether different from the facts of the cases of ‘S.K. Bhowmik (supra)’, ‘Savera Sidhu (supra)’ and ‘Smt. Neeta Sinha’, (supra), the principles of law laid down in the above mentioned cases are not applicable to the facts and circumstances of the present case.

21. As far as the contentions of learned counsel for the petitioner qua the fact that NOC was issued by the competent body for raising constructions, is concerned, in view of the fact that NOC dated 02.05.2012 shows that there was a specific condition in the NOC that before raising construction there will be a requirement for environmental clearance, it is hereby held that such clearance was required. However, in the case in hand, there is no *prima facie* evidence to show that such environmental clearance was obtained by the petitioner before raising constructions. Thus it is hereby held that on this plea also any ground for quashing of summoning order/complaint is not made out.

22. As far as the plea with regard to competence of Assistant Environmental Engineer for filing the complaint is concerned qua the same it is pertinent to mention here that the notification no. S.O. 1533 (E) dated 14.09.2006, authorises the Assistant Environmental Engineer to file the



complaint. Therefore, it is hereby held that on this ground also the complaint/summoning order does not deserve to be quashed.

23. Taking into consideration the above discussed facts and circumstances of the present case, and also the relevant law, it is hereby held that no ground for quashing of complaint/summoning order is made out and that the present petition deserves dismissal. Hence, finding no merit, the present petition is hereby dismissed, accordingly.

24. It is however clarified that in view of the fact that nature of grounds taken in the present petition are such that at the time of trial an evidence can be led to prove the above mentioned grounds, by the petitioner, it is hereby held that any observations made in the present petition shall have no bearing on the merits of the case, and the petitioner shall be at liberty to take all the relevant points including the points raised in the present petition, during the course of trial. Thus, if any evidence qua the above discussed point is led by the petitioner, the learned trial Court shall be at liberty to consider the same and arrive at a just decision.

25. Pending miscellaneous application(s), if any, also stands disposed of.

(SURYA PARTAP SINGH)
JUDGE

12.02.2026
Manoj Bhutani

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