



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

246

CRM-M-2737-2012 (O&M)

Date of decision: 02.02.2026

Shiv Pal and others

...Petitioner(s)

VERSUS

State of Haryana and another

...Respondent(s)

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

Present :- Mr. P. S. Hundal, Sr. Advocate with
Mr. Gursahib Singh Hundal, Advocate;
Ms. Arshpreet Kaur, Advocate for the petitioner(s).

Dr. (Ms.) Malvika Singh, DAG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant petition has been filed for seeking quashing of complaint bearing No.217/2009 dated 04.04.2008 under Sections 32/33 of the Indian Forest Act, 1927, the Forest (Conservation) Act, 1980 and Wild Life Protection Act, 1972 as well as order of summoning dated 25.11.2009.

Submissions by petitioner:

2. Learned senior counsel for the petitioners contends that petitioner No.1 is a Contractor and is running his business in the name and style of New India Constructions Company (hereinafter referred to as '***the Company***') and had undertaken a large number of contracts for laying of roads and widening thereof for and to the entire satisfaction of the Government, its Department(s) and Instrumentalities. It is submitted that vide memo No.15797 dated 08.11.2006, a contract was given to the company for the upgradation of the existing Billaspur Kapal Mochan,

Dhanaura Road in Yamuna Nagar District (Package No.HR-19-04) and included its routine maintenance for five years, for a total contract value of Rs. 528.27 lakhs, with a stipulated completion period of nine months. The Executive Engineer, Provincial Division PWD (B&R), Naraingarh issued a certificate of ground verification, certifying that no forest land was involved along the entire road way. It is averred that the respondent alleged that Government of Haryana, vide Notification dated 06.07.1979 issued under Section 29 of the Indian Forest Act, 1927, placed various areas situated on both sides of railway tracks alongwith certain roads in the State of Haryana under the control and management of the Forest Department, Haryana to be treated and managed like a protected forest. The Billaspur Kapal Mochan link Road was shown at Sr. No.356 of the Scheduled annexed with the Notification dated 06.07.1979 reflecting that the provisions of the notification were applicable to the said road. He contends that the aforesaid Notification had been issued in exercise of powers under Section 29 of the Indian Forest Act, 1927 for declaring the strips of Govt. forest land or waste lands as Protected Forest without complying with the procedure prescribed therein.

3. He contends that much prior to the allotment of the work in favour of the petitioner, a meeting was held on 26.09.2005 in the Civil Secretariat Haryana in the Committee Room of the Chief Secretary, Haryana which was attended by the Financial Commissioner and Principal Secretary to Govt. of Haryana, Department of Forest and certain decisions were taken. Reference is made to the decisions taken in the said meeting and the same is extracted as under:-

“3. After detailed discussions, following decisions were taken in the meeting:-

- (i) It was clarified by the forest department that berms and existing side slopes would not be a part of the protected forest for which a notification would soon be issued.*
- (ii) The forest department shall expeditiously process the cases of deforestation as soon as these are received from PW (B&R) Department without payment of NPV which shall be deposited subsequently when the approval of competent authority is received by the Forest Department. However, the works of the PW (B&R) Department not be stopped.*
- (iii) Officers/Officials of the Forest Deptt. would not launch proceedings under the Forests Act against the officers/officials of Public Works (B&R) Department and the Challan already issued shall be reviewed and efforts shall be made for withdrawing the same immediately.*
- (iv) Earth is required for maintenance of berms and the same shall be taken from the PWD land adjoining the side slopes provided the existing trees do not get damaged.*
- (v) The Forest Department would consult the concerned Executive Engineer while preparing plan for plantation of trees on extra space available along the road.*

- (vi) *The Forest Department would not make any channels in transverse/longitudinal alignment of the road which restricts the natural drainage of the road. The ridges wherever constructed along the road would be removed to have effective road side drainage.*
- (vii) *The Forest Department would also remove all trees coming in the way of clear sight distance at junctions, intersections, inside of curves and on berms/side slopes for enhance the road safety.”*

4. It is contended that upgradation and widening of Bilaspur Kapal Mochan, Dhanaura Road was undertaken and completed by petitioner No.1 in time and final bill was also submitted to the Government authorities which was approved on 09.05.2008. It is averred that utmost caution was taken to ensure that not a single tree belonging to the Forest Department was touched. Notwithstanding the same, the impugned complaint had been filed by the respondent-Forest Department before the Illaqa Magistrate against the petitioners herein for commission of offences under the Indian Forest Act, 1927, Forest (Conservation) Act, 1980 and Wildlife Protection Act, 1972 on the allegations of damage to 120 plants/trees over an area measuring 800 square meters.

5. He contends that Sections 32 and 33 of the Indian Forest Act, 1927 have been invoked in the complaint, however, Section 32 is only an enabling provision empowering the State Government to make Rules while offence under Section 33(1)(a) is not made out. For attracting the penal provision under Section 33(1)(a) of the Indian Forest Act, 1927, the trees

alleged to have been uprooted/removed from the area ought to be notified as reserved trees. He contends that since no specifications have been mentioned in the complaint by the respondents about the nature and character of the trees, that were alleged to have been removed from the area, there can be no presumption that there was a violation of any reserved/notified tree cover. Consequently, the ingredients of Section 33 (1)(a) of the Indian Forest Act, 1927 are not fulfilled. The proceedings thus deserve to be quashed against the petitioners.

6. He contends that burden lies upon the respondent-Forest Department to establish that it was a protected forest area. He further contends that the petitioners cannot be called upon to dispel the burden that the area in question was not a forest land. He further contends that the contract was completed without any complaints or reported instances of statutory violations and to the complete satisfaction of the officials of the PWD (B&R), hence, the initiation of the prosecution against the petitioner(s), at the behest of the respondent-Forest Department ought to be set aside in view of the absence of violation of any statutory provision and in view of the decision taken by the respondents themselves. He contends that at the time of issuance of Notification on 06.07.1979, the necessary survey had not been conducted by the respondent-Department as per Section 29 (3) of the Indian Forest Act, 1927, hence, the Notification cannot be held applicable.

Arguments by respondents:

7. Learned State counsel on the other hand contends that the arguments advanced by the learned Senior counsel for the petitioner(s) are

based upon partial and improper reading of the statutory provisions as well as the facts of the case. She contends that it has been specifically mentioned in the complaint that 800 square meters of forest land and comprising of 120 plants/trees had been damaged in the protected forest area with the help of JCB. She contends that after the above violation was noticed by the concerned Forest officials, an intimation was sent to the higher authorities. Three persons including the petitioners were apprehended on the spot alongwith the JCB machine in relation to the illicit felling and destruction of the trees and breaking of land. A report with respect to the damage caused to the protected forest as well as nest and eggs of the natural habitats therein was lodged. The petitioners herein accepted their offence and submitted that they are ready to pay the compensation, if any, as per law. She contends that a challan was eventually prepared in the case, which has been appended with the complaint wherein the details of the total area measuring 800 sq. meters alongwith the plants/trees has been mentioned. It is contended that the statement of the accused/persons including the petitioners herein were duly recorded and appended alongwith the challan which is appended with the complaint. It is argued by the counsel that as per the Notification dated 06.07.1979 issued in exercise of powers under Section 29 of the Indian Forest Act, 1927, the strip of the land i.e. Bilaspur Kapal Mochan link road was mentioned at Sr. No.356 and the said strip had been declared as protected forest. The said Notification included all the Government forest lands or waste lands whether under the tree growth or under the control of Public Works Department (Building and Roads) as well as on either side of water course of all canals, branches, distributaries, majors or minor drains

and channels, under the control of Irrigation Department. She contends that aforesaid Notification issued under Section 29 of the Indian Forest Act, 1927 is not disputed by the petitioners and that on publication of the said Notification, the land undisputedly fell in a protected forest area and no activity could have been undertaken in violation of the Act and the Rules framed thereunder. She further contends that the photographs placed on record clearly depict the condition of the site, the forest land in question, the removal of trees and the digging of pits measuring approximately 2 and half to 4 feet in depth, thereby substantiating these allegations. She contends that once the said Notification is not in dispute, the consequences for any illegal activities having been undertaken on the forest land shall fall upon the petitioners herein. It is submitted that not only the trees had been removed without obtaining necessary permissions from the Forest Department but also there had been breaking up of land 'for other purposes' in a notified forest area, thus rendering the petitioners amenable to the criminal prosecution under the provisions of the Indian Forest Act, 1927. It is further contended that even though as per the decisions taken in the meeting held on 26.09.2005 recorded a consensus that the berms and existing side slopes would not be part of protected forest, however, a Notification in this regard was nevertheless required to be issued. No such Notification had been issued by the respondents at any point in time. It is further argued that the petitioners had in fact gone beyond the berm area in carrying out breaking of the land and clearing the forest area, which would thus amount to commission of offence under the provisions of the Indian Forest Act, 1927. It is submitted that even otherwise, a decision taken in some meeting is not

akin to issuance of a Notification. Once the law mandates issuance of a notification, de-notifying a forest area or a protected forest area by a mere decision by the authorities, without any notification in support thereof, can at best be perceived as a Policy decision and cannot override an issued Notification. Paragraph no.9 of the specific response filed by the Forest Officer, Forest Range Sadhuara, District Yamuna Nagar reads thus:-

“That the contents of para no.9 of petition are matter of record. However, it is submitted that the petitioners had dug the earth from the protected forest area located beyond the berm of above said road. The petitioners were never authorized or allowed to excavate the earth from the forest area situated adjacent to the berm of road.”

8. She contends that notwithstanding the specific stand taken by respondent department in its reply that the petitioners had excavated earth from the protected area beyond the berms of the aforesaid roads without any authorization, no re-joinder controverting the said specific stand of the respondent-Department has been filed. It is submitted that a failure to file a response to deny the specific assertions gives rise to undisputed questions of facts that would not be gone into by the High Court.

9. Learned State counsel further contends that the entire case of the petitioners rests on the premise that the offence under Section 33(1)(a) of the Indian Forest Act, 1927 has not been made out. She contends that the aforesaid argument is misconceived in as much as the complaint filed by the respondent-complainant does not refer to the prosecution under Section 33(1)(a) of the Indian Forest Act, 1927, rather, it talks of prosecution for

offence under Section 33(1)(c) of the Indian Forest Act, 1927. The nature of the activity undertaken by the petitioner(s), in terms of the reply filed so by the respondent-Department would fall under Section 33(1)(c) of the Indian Forest Act, 1927. Consequently, the argument advanced on behalf of the petitioners with regard to the absence of specific allegations of cutting or damaging reserved trees, or as to whether the trees/plants were in fact reserved under Section 30 of the Act, is stated to be of no consequence. She fairly refers to the order dated 20.08.2018 passed by this Court wherein the respondent-State had got recorded a statement to the effect that the prosecution against the petitioner(s) is only initiated for commission of offences under Section 32 and 33 of the Indian Forest Act, 1927 and not in relation to violation under the Land Preservation Act, 1900 and Wild Life Protection Act, 1972 and/or for offences under the Forest (Conservation) Act, 1980 and the Wild Life Protection Act, 1972. In view of the aforesaid statement, the ground raised as far as the said enactments as well as further proceedings initiated before the Court in that regard need not be adverted to.

10. It is further argued that the submissions advanced by the learned Senior counsel appearing for the petitioners are inherently contradictory. While on one hand, an argument has been advanced that the land in question has not been notified as a Forest area, however, the grounds raised for challenging the proceedings itself admits the Notification.

11. I have heard the learned counsel for the respective parties and have gone through the documents appended with the present petition with their able assistance.

12. The primary question which comes up for consideration before

this Court is as to whether the proceedings initiated by the respondent-Department by way of a complaint for commission of offences under Section 32/33 of the Indian Forest Act, 1927 is liable to be quashed or not.

13. To appreciate the arguments, it would be apposite to refer to Sections 29, 30, 32 and 33 of the Indian Forest Act, 1927, the same are extracted as under:-

29. Protected forests.—(1) *The 1 [State Government] may, by notification in the 4 [Official Gazette], declare the provisions of this Chapter applicable to any forest-land or waste-land which is not included in a reserved forest, but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forests produce of which the Government is entitled. (2) The forest-land and waste-lands comprised in any such notification shall be called a “protected forests”*

(3) No such notification shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest-land or waste-land comprised therein have been inquired into and recorded at a survey or settlement, or in such other manner as the 1 [State Government] thinks sufficient. Every such record shall be presumed to be correct until the contrary is proved:

Provided that, if, in the case of any forest-land or waste-land, the 1 [State Government] thinks that such inquiry and record are necessary, but that they will occupy such length of time as

in the mean time to endanger the rights of Government, the [State Government] may, pending such inquiry and record, declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities.

30. Power to issue notification reserving trees, etc.- *The [State Government] may, by notification in the [Official Gazette],-*

- (a) declare any trees or class of trees in a protected forests to be reserved from a date fixed by the notification;*
- (b) declare that any portion of such forest specified in the notification shall be closed for such term, not exceeding thirty years, as the [State Government] thinks fit, and that the rights of private persons, if any, over such portion shall be suspended during such term, provided that the remainder of such forest be sufficient, and in a locality reasonably convenient, for the due exercise of the rights suspended in the portion so closed; or*
- (c) prohibit, from a date fixed as aforesaid, the quarrying of stone, or the burning of lime or charcoal, or the collection or subjection to any manufacturing process, or removal of, any forest produce in any such forest, and the breaking up or clearing for cultivation, for building, for herding cattle or for any other purpose, of any land in any such forest.*

31. Publication of translation of such notification in neighbourhood. *The Collector shall cause a translation into the local vernacular of every notification issued under section 30 to be affixed in a conspicuous place in every town and village in the*

neighbourhood of the forests comprised in the notification.

32. ***Power to make rules for protected forests*** - *The [State Government] may make rules to regulate the following matters, namely:-*

- (a) *the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce, from protected forests;*

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33. ***Penalties for acts in contravention of notification under section 30 or of rules under section 32.***— (1) *Any person who commits any of the following offences, namely:—*

- (a) *fells, girdles, lops, taps or burns any tree reserved under section 30, or strips off the bark or leaves from, or otherwise damages, any such tree;*
- (b) *contrary to any prohibition under section 30, quarries any stone, or burns any lime or charcoal, or collects, subjects to any manufacturing process, or removes any forest-produce;*
- (c) *contrary to any prohibition under section 30, breaks up or clears for cultivation or any other purpose any land in any protected forest;*

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shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

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14. Section 29 of the Indian Forest Act, 1927 empowers the State Government to declare the provisions of the Forest Act, 1927 to be applicable to any Forest Land or Waste Land which is not included in the reserved forest but which is the property of the Government or over which the Government has proprietary rights or to the whole or any part of the forest produce of which the Government is entitled, by way of Notification in the official Gazette. By virtue of Section 29 (2) of the Indian Forest Act, 1927, the Forest Land/Waste Land comprised in any such Notification shall thereafter fall within the definition of a protected forest.

15. Sub-Section 3 of the same although mandates conduct of an enquiry/survey or settlement pertaining to the nature and extent of rights of the Govt. and/or private persons over the forest land. The proviso appended thereto, however, carves out an exception by empowering the State Government, in emergent circumstances, to issue a notification declaring the land as protected forest even pending such enquiry. The statutory safeguard embedded in the proviso is that such declaration shall not abridge, curtail or otherwise affect any pre-existing rights of individuals or communities over the land in question.

16. Insofar as the argument raised by the petitioners that the notification published by the Govt. on 06.07.1979 under Section 29 of the Indian Forest Act, 1927 would have no force for having failed to comply with the procedural requirement prescribed under Section 29(3) of the Indian Forest Act, 1927 is concerned, the same is unconvincing. Even though in sub-Section 3 of Section 29 of the Indian Forest Act, 1927 the expression used is 'shall', however, the position in law needs no elaboration that

mandatory words may actually be directory in their implication and interpretation. One of the tests for ascertaining the true import behind use of such expression is as to whether any consequences for its non-compliance have been prescribed for or not. A plain reading of Section 29(3) shows that it does not impose any consequence for failure to conduct such enquiry. In the absence of any such consequence, the procedural requirement under subsection (3) would not be construed as mandatory rendering the notification illegal or void. The provision seems directory in nature as the object behind the same seems to safeguard and crystallize the respective rights of the Government and of private individuals. Non-compliance therewith, hence, would not ipso facto, invalidate the notification issued under Section 29 of the Act.

17. Moreover, the petitioners have not challenged the Notification that had been issued in the present case. Even otherwise, the right to assail such notification on such grounds, if at all, would vest in the authority or department whose proprietary or possessory rights over the land stood impacted. In the present case, the land in question pertains to the Public Works Department (B&R). No challenge to the said notification has ever been raised by the concerned department. In the absence of any such challenge, the notification is enforceable and valid.

18. It is also undisputed that the stretch of road, which was subject matter of proceedings against the petitioners, was specifically mentioned in the notification available on record. The specific averment with respect to the stretch of land being part of the forest land has not been countered by the petitioners by way of any counter/re-joinder.

19. The issue that thus arises for consideration, at this juncture, is whether the petitioners are required to file any rejoinder denying the specific plea of defence taken by the respondent-Department or can claim exemption, on their plea that in criminal jurisprudence, they are not under any obligation to rebut any such specific plea of defence and that the burden lies upon the respondents to prove the case.

20. The aforesaid argument is required to be considered from twin perspectives. Firstly, it is undisputed that the burden of proving the guilt would lie on the prosecution, when the proceedings are being undertaken before the trial Court. However, when a quashing petition is filed by a person aggrieved, the onus lies upon him to establish that the necessary ingredients of the offences are not made out against him. The petitioner approaching the Court and seeking quashing of the proceedings that had been initiated is, thus, under an obligation to plead and establish that the case falls under any of the categories when the Court would quash the criminal proceedings initiated against an accused. The petitioners cannot avoid their onus to bring their case within the well-settled parameters laid down by the Hon'ble Supreme Court for invoking the jurisdiction under Section 482 Cr.P.C. Secondly, foundation rules of pleading entail that a fact not disputed or denied is not required to be proved. The High Court decides the cases in summary proceedings based upon undisputed facts. A person cannot claim that the case ought to be presumed in their favour even though material facts are not disputed.

21. Further, the respondent-State at the stage of filing of application and/or at the stage of summoning of an accused for commission of offence,

is not required to prove the case beyond reasonable doubt. The burden at that juncture is only with respect to existence of a *prima facie* case.

22. In the present case, the respondent-department has appended the copy of the Notification alongwith the site plan prepared at the spot, the photographs and also the investigation conducted by the Forest Officials which were duly authenticated and acknowledged by the petitioners themselves. In such circumstances, the petitioners cannot claim that assumptions still ought to be drawn in their favour, notwithstanding, that they did not dispute the authenticity or validity of the material relied by the Respondent-state. I am thus unable to accept this line of argument to the benefit of the petitioners/accused. The said burden is required to be discharged at the stage of final adjudication and is not expected to be discharged at the stage of institution of complaint or summoning. The burden cast upon the prosecuting agencies at the time of summoning, is only to show existence of a *prima facie* case, which they have established in the present case, by placing on record sufficient documentary evidence to substantiate and corroborate the allegations levelled therein.

23. The photographs of the incident, as on the date of occurrence, have also been appended which reflect and establish that there had been breaking up of land, with the use of JCB machine which such breaking up went upto the depths of more than 2 ½ feet to 3 feet at various places. The same being prohibited under Section 33(1)(c) of the Indian Forest Act, 1927, it will not be open to the petitioner to contend that the case ought to be deemed as having been instituted under Section 33(1)(a) of the Indian Forest Act, 1927 alone. The prosecution has been initiated for offence under

Section 33 of the Indian Forest Act, 1927. In such circumstances, if the allegations disclose any of the offences, that are stipulated under any of the sub sections of Section 33 of the Indian Forest Act, 1927, it would be sufficient to prosecute. The sustainability of the complaint is thus to be seen under all/any of the Clauses and in the event the acts/omissions committed by an accused falls under any sub clause classifying an offence prescribed under Section 33 of the Indian Forest Act, 1927, the prosecution would be valid and maintainable.

24. So far as the contention of the petitioner that the copies of the site plan as well as the photographs and challan had not been supplied to him is concerned, the same, in my opinion is not a ground for quashing of offence. The right available to an accused is only to claim copies of the said documents and not to seek quashing of the proceedings on account of non-supply of the said documents. The fact that the documents are a part of the record is not disputed by the petitioners by way of any counter affidavit and thus a presumption can be drawn by this Court that the said fact is undisputed. In the event of the petitioner intending to dispute the validity of the site plan and/or the dimensions mentioned thereunder, the same would give rise to the disputed questions of fact that cannot be gone into by this Court in exercise of power under Section 482 Cr.P.C.

25. Now advertng to the argument advanced by learned Senior counsel for the petitioners as regards the decisions taken by the respondent-authorities in the meeting held on 26.09.2005, headed by the Chief Secretary and attended by the Financial Commission and Principal Secretary to Govt. of Haryana, Department of Forest and Environment that a decision had been

taken to de-notify the land along the berms of the road and to withdraw the prosecution that had been initiated against the officials of the Department of PWD (B&R).

26. The contentions of learned Senior counsel for the petitioners that in light of the decisions taken, the prosecution ought to be cancelled is however declined for the following reasons:-

- (i) That the decision in para No.3 (i) of the aforesaid meeting specifically records to the effect that a notification to de-notify the land as a protected forest shall be issued. It is not the case of the petitioners or any of the parties that such a notification de-notifying the land from protected forest under Section 29 of the Indian Forest Act, 1927 had ever been issued. The decision is thus a policy decision which cannot supersede a statutory notification;
- (ii) Secondly, the specific case set up by the respondents and even mentioned in reply in para-No.9 extracted above is to the effect that the excavation/breaking up of land had taken place beyond the berms and into the forest area. Hence, the suggestion thus put forth by the respondents is that the prosecution had not been initiated for cutting of trees but for the breaking up of land along the berms but beyond and into the forest area. The specifically pleaded case by the respondent-state again remains undisputed. Even otherwise, assuming a dispute is to be raised with respect to this specific contention , the same would give

rise to disputed questions of fact that cannot be gone into by the Court in exercise of its powers under Section 482 Cr.P.C.

- (iii) Counsel further argued that the officials of PWD (B&R) had certified in writing that there was no forest land. In my opinion, such certification is immaterial as not only the PWD officials are not competent and authorized to make any such declaration, there is also no reference about the notification as above.

27. Now adverting to the arguments as to whether the prosecution in question would fall under Section 33(1)(a) of the Indian Forest Act, 1927, or not. The entire argument of the learned Senior counsel for the petitioner revolved around the fact that trees/plants, that had been uprooted/felled in the alleged action, are not notified as trees reserved under Sections 30 of the Indian Forest Act, 1927 and that in the absence of any such notification having been issued declaring the trees to be reserved under Section 30 of the Indian Forest Act, 1927, the prosecution under Section 33(1)(a) of the Indian Forest Act, 1927 could not be initiated.

28. The aforesaid argument has been considered in light of the complaint. It is evident that the complainant nowhere mentions that the prosecution has been initiated against the petitioners for commission of offence under Section 33(1)(a) of the Indian Forest Act, 1927. It only seeks initiation of proceedings for commission of offence under Section 33 of the Indian Forest Act, 1927. Hence, in order to succeed, the onus lies upon the petitioners to establish that the alleged act would not fall in any of the sub

sections under Section 33 of the Indian Forest Act, 1927. The photographs and documents appended alongwith the present record as well as the case pleaded by the respondents specifically shows that there has been breaking up of the land by the petitioners which has resulted in felling of trees as well is a penal offence under Section 33(1)(c) of the Indian Forest Act, 1927. A reading of Section 33(1)(c) of the Indian Forest Act, 1927 does not qualify the breaking up of land to be an offence only when there is removal of reserved trees, rather, it makes every activity which amounts to breaking up of land in a protected forest area as a penal offence. Hence, the ingredients of Section 33 (1)(a) of the Indian Forest Act, 1927 cannot be read into the requirements prescribed by the Statute for offence under Section 33 (1)(c) of the Indian Forest Act, 1927. Any such reading or interpretation, sought to be projected by learned Senior counsel, would amount to supplanting a statutory provision and reading into it a clause that does not exist and would tantamount to legislation instead of interpretation. This Court, in its powers under Section 482 Cr.P.C. cannot read into the Statute what is not prescribed therein.

29. Once the legislature has specifically dealt with distinct activities as constituting offence under Section 33 of the Indian Forest Act, 1927, and hold that each of which such activity is an offence punishable under Section 33 of the Indian Forest Act, 1927, existence of any one of those events would be sufficient to constitute a penal offence against a person accused of having committed an offence under Section 33 of the Act.

30. The case thus fails to fall in the specified categories and merely raises disputed questions of fact. The counsel has failed to bring his case

under any of the parameters for quashing laid down in the judgment of *State of Haryana Vs. Bhajan Lal* reported as *AIR 1992 SC 604*. The petition thus merits dismissal.

31. The learned Senior counsel appearing on behalf of the petitioners however also submits that a word of appreciation ought to be also recorded for assistance rendered by the State counsel for having taken the pains to dig out the case file for its final adjudication, after a period of nearly 14 years since its institution before this Court. The gesture on the part of the learned Senior counsel for the petitioners is appreciated for a younger colleague on the opposite side is appreciated. This Court records its appreciation for the labour put in by the State counsel.

32. The observations recorded herein above shall however not be construed as an expression on the merits and the trial Court shall examine the case in light of the evidence adduced before it.

33. The present petition is dismissed.

(VINOD S. BHARDWAJ)
JUDGE

02.02.2026
Mangal Singh

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