

Sr. No.129

[1]

M/S MALIK FURNITURE INDUSTRY AND ANR

...Petitioners

Versus

CHANDIGARH POLLUTION CONTROL COMMITTEE AND ORS

....Respondents

[2]

SATNAM SINGH

...Petitioner

Versus

CHANDIGARH POLLUTION CONTROL COMMITTEE AND ORS

....Respondents

[3]

PADAM SINGH

...Petitioner

Versus

CHANDIGARH POLLUTION CONTROL COMMITTEE AND ORS

....Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Navkiran Singh, Advocate with
Mr. Harmeet Singh, Advocate
for the petitioner in CRM-M-16006 & 16067 of 2022.



Mr. S.K. Raghuvanshi, Advocate with
Mr. Vijay Lath, Advocate for the petitioner in
CRM-M-54618-2022.

Mr. B.R. Rana, Advocate
for respondent No.1 in CRM-M-54618, 16006 &
16067 of 2022.

Mr. Ritish Watts, Advocate for
Mr. M.S. Bath, Advocate for respondent No.2 in
CRM-M-16006, 16067 and 54618 of 2022.

MANDEEP PANNU, J. (Oral)

1. By way of the present petitions filed under Section 482 Cr.P.C., the inherent jurisdiction of this Court has been invoked for quashing of the complaints filed by the Chandigarh Pollution Control Committee, as well as the summoning orders passed by the learned Judicial Magistrate Ist Class, Chandigarh, whereby the accused/petitioners have been summoned in the above-said complaints alleging violations of the provisions of the Water (Prevention and Control of Pollution) Act, 1974.

2. In order to avoid repetition of facts, the facts are being taken from *CRM-M-16006-2022* titled as *M/s Malik Furniture Industry and another Versus Chandigarh Pollution Control Committee and others*.

3. Briefly stated, the case of the complainant-Chandigarh Pollution Control Committee is that the complainant committee was constituted by the Central Government for exercising powers under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. The present complaint was filed through Anil Kumar, Junior Scientific Assistant, who was duly authorized by the competent authority. It has been alleged that accused No.2, being the proprietor of M/s



Malik Furniture Industry, was running a saw mill at Plot No.1545, Village Burail, Sector 45, Chandigarh and was managing the day-to-day affairs of the unit. During inspection/surprise checking, the unit was found operational without obtaining prior consent/permission under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and Sections 25/26 of the Water (Prevention and Control of Pollution) Act, 1974. A show cause notice dated 12.09.2016 was issued to the accused, however, no reply thereto was submitted. It has further been alleged that the accused had been running the unit for several years without obtaining requisite consent from the competent authority and later applied for consent/authorization, wherein it was allegedly admitted that the unit had been functioning without prior approval, thereby making themselves liable for prosecution under the aforesaid Acts. It is contended by learned counsel for the petitioners that the cases of the petitioners are squarely covered by the judgment passed by a Coordinate Bench of this Court in *CRM-M-40017-2017* decided on 16.05.2023, wherein a bunch of 61 petitions involving similar set of facts and identical common questions of law were decided together. It is submitted that since the controversy involved in the present petitions is identical to the one adjudicated in the aforesaid judgment, therefore, the present petitions are also liable to be allowed in terms thereof.

4. Learned counsel appearing for respondent No.1 as well as learned counsel for respondent No.2 have fairly conceded to the fact that the cases of the present petitioners are covered by the judgment rendered by the Coordinate Bench of this Court dated 16.05.2023 passed in *CRM-M-40017-*



2017 titled *M/s Rajinder Singh and Brothers and another Versus Chandigarh Pollution Control Committee.*

5. I have considered the rival contentions raised by learned counsel for the parties, carefully gone through the record of the case as well as the judgment passed by the Coordinate Bench of this Court in *M/s Rajinder Singh’ case (supra)*. In the said judgment, while deciding a bunch of 61 connected petitions involving similar facts and identical questions of law, the Coordinate Bench examined the legality of the complaints and summoning orders issued by the Chandigarh Pollution Control Committee under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. The Coordinate Bench held that once consent to establish and consent to operate had already been granted by the competent authority itself, continuation of criminal proceedings on the very same allegations was wholly unwarranted and amounted to abuse of the process of law. It was further observed that in the absence of any material showing violation of the terms and conditions of the consent granted to the units, the prosecution launched against the petitioners therein could not be sustained.

6. Since the controversy involved in the present petitions is identical and the cases of the present petitioners are squarely covered by the aforesaid judgment, the present petitions deserve to be allowed in the same terms.

7. All pending applications, if any, also stand disposed of.

(MANDEEP PANNU)
JUDGE

21.05.2026

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

