



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

CRM-M-42471-2022

Reserved on:-13.05.2026

Pronounced on:-18.05.2026

Uploaded on:- _____

*Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced: operative part/full judgment*

NISHU SINGH

...Petitioner

Versus

STATE OF HARYANA AND ORS.

....Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. C.S. Bagri, Advocate and
Dr. Gurjit Kaur, Advocate
for the petitioner.

Mr. Sushil Bhardwaj, Addl. A.G., Haryana.

Mr. Ranvir Singh Arya, Advocate
for respondent No.2.

MANDEEP PANNU, J.

1. Present petition has been filed under Section 482 Cr.P.C. for quashing of complaint case No. 138 of 2014 titled as “HSPCB versus Eastern Base” under Section 15 of the Environment Protection Act, 1986, pending before the learned Special Environment Court, Faridabad, filed by the Regional Officer, Haryana State Pollution Control Board, along with all subsequent, incidental and consequential proceedings arising therefrom. The petitioner has also sought quashing of FIR No. 567 dated 13.09.2019 registered at Police Station Faridabad Central, District Faridabad under



Section 174-A IPC, along with all subsequent, incidental and consequential proceedings arising therefrom.

2. Brief facts leading to registration of FIR No. 567 dated 13.09.2019 under Section 174-A IPC are that a complaint under Section 15 of the Environment Protection Act, 1986 bearing complaint case No. 138 of 2014 was pending against the petitioner before the learned Special Environment Court, Faridabad. The petitioner failed to appear before the Court despite issuance of summons and thereafterailable warrants as well as warrants of arrest were issued to secure her presence. Since the petitioner could not be traced, proclamation proceedings were initiated and vide order dated 22.08.2019 passed by the learned Special Judge, Environment Court, Faridabad, the petitioner was declared a proclaimed person. Consequently, on the basis of the said proclamation order, FIR No. 567 dated 13.09.2019 under Section 174-A IPC came to be registered at Police Station Central Faridabad.

3. It has been contended on behalf of the petitioner that the petitioner has wrongly been declared as a proclaimed person and consequently FIR No. 567 dated 13.09.2019 under Section 174-A IPC has illegally been registered. It is submitted that the notices, summons, warrants and non-bailable warrants issued by the learned Trial Court were sent at addresses where the petitioner neither resided nor carried on any business activity. It is further contended that the petitioner had already sold the property in question on 07.05.2010 and at the time of issuance of the said process, she was neither owner nor in possession of the property where the alleged illegal construction was stated to have been raised. Learned counsel



for the petitioner has further argued that due to wrong service and non-availability at the said addresses, the petitioner could not appear before the learned Trial Court. It has further been submitted by learned counsel for the petitioner that the petitioner has already surrendered before the learned Court below and has been granted anticipatory bail in the present case. It is contended that in view of the aforesaid facts and circumstances, continuation of further proceedings arising out of FIR No. 567 dated 13.09.2019 under Section 174-A IPC would amount to abuse of the process of law and would not serve the ends of justice. Learned counsel has further argued that once the petitioner has joined the investigation and is facing the proceedings before the learned Trial Court, continuation of the proceedings under Section 174-A IPC would be unjustified and liable to be quashed.

4. On the other hand, learned State counsel has opposed the present petition and argued that there is no illegality or infirmity in the order passed by the learned Trial Court declaring the petitioner as a proclaimed person, as despite repeated issuance of notices, summons and warrants of arrest, the petitioner failed to appear before the Court. It has further been argued that only after following the due procedure prescribed under law, the petitioner was declared a proclaimed person and thereafter FIR No. 567 dated 13.09.2019 under Section 174-A IPC was rightly registered on the directions of the learned Trial Court. Learned State counsel has thus submitted that no ground is made out for exercise of inherent jurisdiction by this Court for quashing of the impugned FIR or the consequential proceedings arising therefrom.



5. This Court has heard learned counsel for the parties and perused the record with their able assistance.

6. A perusal of the complaint filed under Section 15 of the Environment Protection Act, 1986 for violation of Aravali Notification dated 07.05.1992 would show that the complaint was filed against “Eastern Base” and the name of the present petitioner was not specifically mentioned as an accused in the complaint. Even otherwise, the material placed on record prima facie reveals that the petitioner had already sold the property in question in the year 2010 and the sale deed produced on record supports the said contention. Thus, the petitioner had ceased to have any concern with the property much prior to initiation of the proceedings.

7. This Court further finds substance in the contention raised on behalf of the petitioner that the mandatory provisions of Section 82 Cr.P.C. were not duly complied with before declaring the petitioner as proclaimed person. The record would reveal that except issuance of one bailable warrant dated 24.08.2017, there is no material showing proper service of summons or warrants upon the petitioner. Thereafter, proclamation proceedings were initiated and statement of the executing constable was recorded on 22.04.2019. However, the mandatory requirements as contemplated under Section 82 Cr.P.C., namely publication of proclamation at a conspicuous place of the house in which the accused ordinarily resides, affixation at a conspicuous part of the Court house, and publication requiring appearance within the statutory period of not less than thirty days, have not been shown to have been complied with in their true letter and spirit. The record further indicates that the petitioner was not residing at the addresses where notices



and warrants were allegedly issued and therefore proper and effective service upon the petitioner cannot be said to have been effected. In view of the aforesaid facts and circumstances, this Court is of the considered opinion that the order dated 22.08.2019 declaring the petitioner as proclaimed person cannot be sustained in the eyes of law and the same deserves to be set aside. Consequently, FIR No. 567 dated 13.09.2019 registered under Section 174-A IPC at Police Station Central Faridabad, District Faridabad, being a consequence of the said proclamation order, also cannot survive and is liable to be quashed.

8. Accordingly, the order dated 22.08.2019 declaring the petitioner as proclaimed person is hereby quashed and FIR No. 567 dated 13.09.2019 registered under Section 174-A IPC at Police Station Central Faridabad, District Faridabad along with all consequential proceedings arising therefrom, are also quashed.

9. Regarding the quashing of complaint case No. 138 of 2014 titled “HSPCB versus Eastern Base” under Section 15 of the Environment Protection Act, 1986 pending before the learned Special Environment Court, Faridabad, the briefly stated facts of the complaint are that the Haryana State Pollution Control Board filed the aforesaid complaint alleging violation of Aravali Notification dated 07.05.1992 in respect of construction raised at Farm House No. A-54, Aravali Retreat, Raisina, Gurgaon. It was alleged in the complaint that the accused had raised construction and developed a farm house in the notified Aravali area without obtaining mandatory environmental clearances and in violation of the provisions of the Environment Protection Act, 1986, Punjab Land Preservation Act, 1900 and



other applicable notifications. It was further alleged that the nature of the land had been illegally changed and construction activities had been carried out in an ecologically sensitive area causing disturbance to the ecology and natural drainage system of Aravali Hills. On the basis of the aforesaid allegations, the complaint under Section 15 read with Section 17 of the Environment Protection Act, 1986 came to be filed against the accused.

10. Learned counsel for the petitioner has contended that the present complaint under Section 15 of the Environment Protection Act, 1986 is liable to be quashed as the petitioner had purchased the land in question in the year 1997 and had sold the same vide registered sale deed dated 07.05.2010 to the subsequent purchasers, after handing over vacant possession thereof. It has been submitted that at the time of sale, there was no construction existing on the property and the sale deed itself records that the property was a vacant plot. It is further contended that after execution of the sale deed, the petitioner neither remained owner nor in possession of the property and, therefore, cannot be held liable for any alleged illegal construction or violation, if any, committed subsequently by the vendees. Learned counsel has further argued that the complaint has been filed against M/s Eastern Base by mentioning old addresses where the petitioner was not residing and, thus, the petitioner was never properly served in the complaint proceedings. It has also been submitted that no illegal construction was ever raised by the petitioner during the period she remained owner of the property and even the spot inspection reports relied upon by the department pertain to a period after the property had already been sold by the petitioner. It is further contended that the petitioner had no knowledge regarding the



pendency of the complaint proceedings and that the continuation of the complaint against the petitioner amounts to abuse of the process of law.

11. Learned counsel appearing on behalf of respondent No.2 i.e. Regional Officer, Gurgaon Region (South), Haryana State Pollution Control Board, has opposed the present petition and submitted that the allegations raised in the complaint disclose commission of offences under Section 15 of the Environment Protection Act, 1986 and the same require adjudication during trial. It has been argued that the complaint was filed after spot inspections and reports submitted by various authorities regarding violation of the Aravali Notification dated 07.05.1992 and illegal construction over the land in question. It is further contended that disputed questions of fact are involved in the present case, including the nature of construction, ownership and liability of the persons concerned, which cannot be conclusively determined in proceedings under Section 482 Cr.P.C. Learned counsel has further submitted that the complaint was filed on the basis of official records and material collected during inquiry and, therefore, no ground for quashing is made out. However, the factum of execution of registered sale deed dated 07.05.2010 by the petitioner in favour of subsequent purchasers has not been specifically denied.

12. Having heard learned counsel for the parties and after perusing the record, this Court finds merit in the present petition. A perusal of the registered sale deed placed on record reveals that the petitioner had sold the property in question on 07.05.2010 to subsequent purchasers and had handed over possession thereof. The recital in the sale deed further shows that the property was sold as a vacant plot and there was no construction existing



over the same at the relevant time. Significantly, the complaint in question came to be filed subsequently on 28.05.2014, much after the petitioner had ceased to be owner or in possession of the property.

13. This Court further notices that even in the complaint filed under Section 15 of the Environment Protection Act, 1986, the accused has been described as “M/s Eastern Base” and no specific role or allegation regarding any construction raised by the present petitioner after the sale of the property has been attributed. Rather, the material placed on record prima facie indicates that the alleged violations and spot inspections pertain to a period subsequent to execution of the sale deed. Once the petitioner had already divested herself of ownership and possession of the property in the year 2010, continuation of criminal proceedings against her for alleged subsequent violations would amount to misuse of the process of law. The inherent jurisdiction of this Court under Section 482 Cr.P.C. is meant to secure the ends of justice and to prevent abuse of the process of the Court. In the facts and circumstances of the present case, allowing the complaint proceedings to continue against the petitioner, despite the admitted sale of the property years prior to filing of the complaint and absence of any material showing her involvement in the alleged violations thereafter, would serve no useful purpose.

14. Consequently, the present petition is allowed. Complaint Case No.138 of 2014 titled “Regional Officer, Gurgaon Region South, Haryana State Pollution Control Board versus M/s Eastern Base” under Section 15 of the Environment Protection Act, 1986, pending before the learned trial

Court, along with all consequential proceedings arising therefrom, qua the present petitioner, are also hereby quashed.

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

18.05.2026

Anu

Whether speaking/reasoned

Whether reportable

(MANDEEP PANNU)

JUDGE

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Yes/No

Yes/No