



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

201

CRM-M-53374-2024
Date of decision: 27.05.2026

GURCHARANJIT SINGHPetitioner

VERSUS

STATE OF PUNJAB AND ANOTHERRespondents

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

Present: - Mr. Jasraj Singh, Advocate
for the petitioner.

Mr. Mohit Kapoor, Senior DAG, Punjab.

Mr. Pushp Jain, Advocate for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

Present petition has been filed seeking quashing of FIR No.62 (Annexure P-1) dated 22.07.2022 registered at Police Station Talwara, District Hoshiarpur, for the offences punishable under Section 21 (1) of the Mines and Minerals (Development and Regulation) Act, 1957 [the "MMDR Act"] and Section 379 of the Indian Penal Code, 1860, (Sections 420, 406, 465, 467, 468, 471 and 120-B of the Indian Penal Code added subsequently vide DDR No.29 dated 20.09.2022), along with all subsequent proceedings

emanating therefrom. A further prayer has also been made for staying the further proceedings before the Trial Court.

When the matter was taken up on 28.10.2024, learned counsel appearing on behalf of the petitioner contended that the continuation of criminal proceedings against the petitioner pursuant to the impugned FIR amounts to a gross abuse of the process of law. It was argued that the offences alleged against the petitioner arise under the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and that, in view of the express bar contained in Section 22 of the said Act, cognizance of such offences can be taken only upon a complaint in writing made by a person duly authorized in that behalf. In support of the aforesaid contention, reliance was placed upon the judgment of the Hon'ble Supreme Court passed in Criminal Appeal No. 1122-1134 of 2009 titled as ***Jeewan Kumar Raut and another Vs. Central Bureau of Investigation***. On the strength of the said judgment, he contends that where the statute specifically prescribes a particular mode for taking cognizance of an offence, the same has to be strictly adhered to and any prosecution initiated contrary thereto would be legally unsustainable.

Learned counsel thus submits that once cognizance of the alleged offences under the Mines and Minerals Act cannot be taken except on the basis of a complaint filed by the competent authority, the very registration of the FIR and all consequential proceedings arising therefrom are rendered without jurisdiction and constitute a nullity in the eyes of law.

Learned counsel appearing on behalf of the petitioners submits that he would be satisfied in case directions in terms of judgment dated **09.01.2026** passed in the matter of ***"Jagdish Singh Vs State of Punjab"*** in

CRM-M-66839-2025 are also passed in the present case.

In view of the same, the present petition is disposed of with directions as contained in the judgment **09.01.2026** passed in the matter of **“Jagdish Singh Vs State of Punjab”** in **CRM-M-66839-2025**.

The instant petition is accordingly disposed of.

MAY 27, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No