
(2020) 12 P&H CK 0322

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 42611 Of 2020

M/S Shree Jagdamba Solvent And Others

APPELLANT

Vs

State Of Haryana And Another

RESPONDENT

Date of Decision : 17-12-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Water (Prevention & Control) Of Pollution) Act, 1974 — Section 25, 44

Air (Prevention & Control Of Pollution) Act, 1981 — Section 21, 37

Citation : (2020) 12 P&H CK 0322

Hon'ble Judges : Nirmaljit Kaur, J

Bench : Single Bench

Advocate : Naren Pratap Singh, Sandeep S. Mann

Final Decision : Dismissed

Judgement

Nirmaljit Kaur, J

The present petition is filed under Section 482 Cr.P.C. seeking quashing of Criminal Complaint No.84 dated 6.12.2019 under Sections 44 of the Water

(Prevention & Control) of Pollution) Act, 1974 for the violation of Section 25 of the Water (Prevention & Control) of Pollution) Act, 1974 and Section

37 for violation of Section 21 of Air (Prevention & Control of Pollution) Act, 1981.

While praying for quashing the aforesaid complaint, learned counsel for the petitioners submitted that the petitioners had applied for Consent to

Operate (CTO) on 26.7.2019. In between since they were to come for inspection, the petitioners had to check as to whether the machines were

operating properly and since there was technical snag, the machines were put into working condition after removing the defect. Thereafter, when the

respondents came for inspection, they issued a show cause notice asking the

petitioners to explain as to why the machines were operating without CTO. However, as per the stand of learned counsel for the petitioners, the machines were operating for the trial purpose as explained above.

The second ground raised by learned counsel for the petitioners is that the respondents themselves granted CTO on 19.11.20219 and therefore, nothing survives in the show cause notice and complaint.

Heard.

The arguments raised by learned counsel for the petitioners do not help because the very show cause notice and the complaint is with respect to the

period when the petitioners were found to be operating their machines without CTO. The show cause notice does not pertain to the period after the

issuance of the CTO when they were allowed to operate. Moreover, it was also established that the accused were found running M/s Shree

Jagdamba Solvent without consent to operate from the head office and discharging untreated effluent beyond prescribed limit. In case, they were

operating for trial purpose, there would have been no untreated effluent beyond the prescribed limit. The ground raised by learned counsel for the

petitioners is in defence to be tested during the trial and cannot be made a basis for quashing.

According, no ground for quashing the complaint is made out.

Dismissed.