
(2003) 05 P&H CK 0093

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 9285-M of 1998

V.K.Garg

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 14-05-2003

Acts Referred:

Citation : (2004) 2 RCR(Criminal) 253

Hon'ble Judges : Viney Mittal, J

Advocate : Shri Dinesh Goyal, Advocate. Shri Rakesh Verma, AAG, Punjab.,
Advocates for appearing Parties

Judgement

Viney Mittal, J.

1. The present petition has been filed under Section 482 CrPC read with Article 227 of the Constitution of India for quashing of FIR No. 65 dated June 22, 1994, the report (challan) submitted by the police under Section 173 Cr.P.C.
2. An FIR No. 65 dated June 22, 1994 was registered with police station Tanda, district Hoshiarpur under Claus 19(1)(a) of the Fertilizer Control JUDGMENT 1985 and Section 7 of the Essential Commodities Act, 1955.
3. I have heard the learned counsel for the parties.
4. It is submitted by Shri Dinesh Goyal, the learned counsel for the petitioner that the entire perusal of the complaint Annexure P.1 on the basis of which the formal FIRE No. 65 dated June 22, 1994 has been registered does not show that the petitioner was involved in the commission of the offence in any manner. Further reliance has been placed upon the report submitted by the Investigating Agency under Section 173 CrPC against the present petitioner V.K. Garg and five other persons. Shri Goyal has contended that even the perusal of challan papers does not show that the petitioner was in any manner involved in the commission of the aforesaid offence. The learned counsel has maintained that in fact the perusal of the challan papers as well as the FIR would clearly show that there was no role assigned to the present respondent who at the relevant time was the

Managing Director of M/s. Munak Chemicals Limited.

I have carefully gone through the various documents relied upon by the learned counsel and found that the submission of the learned counsel deserves to be accepted.

5. A perusal of the FIR and the report under Section 173 Cr.P.C. submitted by the Investigating Agency shows that at no stage the petitioner was found responsible for the manufacture of the substandard fertilizer.

6. In view of the aforesaid fact, the FIR as well as the challan submitted by the police against the present petitioner are hereby quashed. It is made clear that quashing of the challan against the aforesaid petitioner would not have any effect on the continuation of the proceedings against the remaining accused.

Disposed of with the aforesaid observations.