

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. OF 2023
(@ OUT OF SLP(Cr1.) No. 3208/2019)**

STATE OF HARYANA & ORS.

Appellant(s)

VERSUS

RIMPY KANSAL & ANR.

Respondent(s)

ORDER

Leave granted.

Heard Mr. Gurinder Singh Gill, the learned senior counsel appearing for the appellants and Mr. Abhimanyu Tewari, learned counsel appearing for the respondents.

2. Notice in this case was issued on 12.04.2019 with the following interim relief:

"We have heard Mr. Gurinder Singh Gill, learned senior counsel appearing for the petitioners-State.

Issue notice.

Until further orders from this Court, there shall be stay of the following directions issued in the impugned judgment of the High Court :

"Therefore, in future, any request for lodging FIR by District Town Planner or Senior Town Planner against any citizen of the State

of Haryana for violation of Sections 3 and 7 (ii) of the Act, for the land falling within municipal limits shall not be entertained by the police authorities."

3. We have considered the submission of the learned counsel for the parties and noticed the nature of the omnibus order passed by the learned single Judge of the High Court. We may extract the relevant part of the impugned order dated 14.12.2018:

"Before parting this judgment, it is necessary to mention that in the entire State of Haryana, Senior Town Planner and District Town Planner, time and again lodge false and frivolous FIR against innocent people, taking illegal advantage of their official capacity for some extraneous reasons and consideration, knowing well that they have no powers to take any action for the area falling under municipal limits.

Now, the time has come to curb down such menace or mal-practice to rescue the innocent citizen from the illegal actions of the Town and Country Planning Department and their illiterate officers and if literate, they are ignorant about the exact proposition of law laid down by this Court of Apex Court or take advantage of their official position. Therefore, in future, any request for lodging FIR by District Town Planner or Senior Town Planner against any citizen of the State of Haryana for violation of Sections 3 & 7(ii) of the Act, for the land falling within municipal limits shall not be entertained by the police authorities."

4. In our considered opinion, such a blanket order restraining lodging of FIR at the instance of the District Town Planner or Senior Town Planner, Kurukshetra, Haryana

should not have been passed.

5. The appeal is accordingly, allowed setting aside the impugned order of the High Court.

6. Pending applications, if any, shall stand disposed of.

.....J.
(HRISHIKESH ROY)

.....J.
(SANJAY KAROL)

New Delhi;
October 20, 2023

ITEM NO.29

COURT NO.9

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 3208/2019

(Arising out of impugned final judgment and order dated 14-12-2018 in CRM-M No. 29958/2016 passed by the High Court Of Punjab & Haryana At Chandigarh)

THE STATE OF HARYANA & ORS.

Petitioner(s)

VERSUS

RIMPY KANSAL & ANR.

Respondent(s)

(IA No. 58263/2019 - EXEMPTION FROM FILING O.T.)

Date : 20-10-2023 This petition was called on for hearing today.
CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mr. Gurinder Singh Gill, Sr. Adv.
Dr. Hemant Gupta, A.A.G.
Mr. Shivang Jain, Adv.
Ms. Nitikaa Guptha, Adv.
Mr. Samar Vijay Singh, AOR
Mr. P. P. Nayak, Adv.
Mr. Kuldeep Singh Kuchaliya, Adv.
Mr. Keshav Mittal, Adv.
Dr. Sukhdev Sharma, Adv.

For Respondent(s) Mr. Abhimanyu Tewari, AOR
Mr. Manav Bhalla, Adv.
Ms. Eliza Bar, Adv.
Mr. Tushar Bathija, Adv.
Mr. Sidhant Awasthy, Adv.
Mr. Parth Jain, Adv.
Mr. Praveer Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, also stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR

(signed order is placed on the file)