

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**Cr.M.P. No. 229 of 2020**

Dharamveer Bhadoria @  
Dharmbeer Bhaduria ... .. Petitioner  
Versus  
The State of Jharkhand ... .. Opp. Party(s)

**CORAM: HON'BLE MR. JUSTICE ANANDA SEN**

**(Through Video Conferencing)**

For the Petitioner : Mr. A.K. Mehta, Advocate  
For the State : A.P.P.

**Order No. 05: Dated: 24<sup>th</sup> June, 2020**

**Per Ananda Sen, J.:**

1. Heard the learned counsel for parties through video conferencing. They have no complain with respect to the audio and video clarity and quality.
2. In this application the petitioner prays to quash the FIR registered under Rule-54 and 4(1) of the Jharkhand Minor Mineral Concession Rules, 2004 in connection with Chowka P.S. Case No. 71 of 2019 pending in the court of learned Sub-Divisional Judicial Magistrate, Seraikella.
3. It has been alleged in the FIR that the petitioner is a mining lessee in respect of Plot No. 01(P) measuring an area of 8.75 Acres of Mouza-Lengdih within the district Seraikella Kharsawan.
4. Learned counsel for the petitioner submits that the lease was in respect of minor mineral i.e. stone. It has been further stated that during inspection/ measurement it was found that illegal mining was done by the partnership firm of the of the petitioner and a volume of 117647.34 cubic metre of stone has been illegally

excavated. On this basis, upon the direction of the Deputy Commissioner, Seraikella Kharsawan FIR was lodged. The counsel for the petitioner further submits that the petitioner admittedly is a mining lessee. It is submitted that he has all the clearances including the NOC, the environment clearance for mining, etc. He submits that the maximum quantity permissible for mining so far as the petitioner is concerned, is 5000 metric tons and he has done mining within the said limitation. He submits that he is paying royalty and other dues regularly. He submits that the allegation is vague. Even the plot no. where the illegal mining has been conducted has not been mentioned. He submits that on the vagueness of the report, the FIR couldnot have been logged.

5. The learned APP, appears for the State, submits that the allegation is against the petitioner that his firm has carried out its mining beyond the lease hold area.

6. After going through the FIR, I find that there is allegation that the petitioner has excavated stone from a place beyond his mining lease hold area. The allegation as to whether the petitioner has excavated beyond the lease hold area or not, is a subject matter of investigation. It is also the subject matter of investigation as to whether the petitioner is the person who has done the illegal mining or not.

7. These facts needs to be investigated and only after proper investigation correct fact can be ascertained. On mere submissions at this stage when the investigation is in progress, this Court cannot form an opinion that the petitioner has not worked beyond the leasehold area. The area, including the area where the petitioner is having mining lease and the area whether the illegal mining activities has been done has to be measured. The proximity of both the places has to be seen and many other technical issues are to be

investigated. Without these investigation neither it can be said that the allegation is false nor it can be said that allegation is true. Thus, once there is an allegation constituting an offence, this Court feels that there should be a proper scientific and technical investigation in the allegations. Without proper technical and scientific investigation, the correctness of the allegation neither can be denied nor can be accepted. In this case the allegation makes out an offence under the Rules.

8. Considering the aforesaid allegation, the Court feels that at this stage when the matter needs thorough investigation, The FIR cannot be quashed. Thus, I am not inclined to entertain this application. The authority will conduct a proper investigation regarding the illegal excavation of stone, as alleged in the FIR.

9. Thus, the petition stands dismissed.

*(ANANDA SEN, J.)*

*MM*