CIS No. CHI-269 of 2025

CNR No. HRSOC1-001708-2025

State of Haryana v. Ravinder

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Present: Sh. Vikram Singh, APP for State assisted by investigating officer ASI Vijay Kumar, police-station Kharkhoda, Sonipat.

Accused Ravinder on police bail assisted by Sh. Mohit Kaushik, Advocate.

Order dated 30.09.2025

1. Final report of investigation under Section 193, Bharatiya Nagrik Suraksha Sanhita (BNSS) is filed in case related to FIR No. 661 of 2024 under Section 223 (a) Bharatiya Nyaya Sanhita, 2023 (BNS) registered with police station Kharkhoda, Sonipat. Accused is forwarded to stand trial.

2. I have perused the charge-sheet and heard both sides.

3. It is alleged that a complaint dated 15.11.2024 was made by Mandeep Dahiya, Halqa Patwari, Kharkhoda-I to office in-charge, police-station Kharkhoda informing that on 14.11.2024 at about 01:00 pm, one location No. 28.8751-76.93229 was received. Thereafter, Mandeep Dahiya, Halqa Patwari along-with Raghuraj, agriculture surveyor and BDO Ravinder Dahiya visited the given location and found that Ravinder son of Raj Kumar of village Thana Kalan, Kharkhoda had burnt stubble/*parali* in his land in killa No. 156//18, 19/1 and 19/2.

4. It is alleged that District Magistrate, Sonipat has issued order No. 11243-65 dated 12.09.2024 under Section 163 of BNSS restraining burning of stubble in the fields in compliance of order issued by National Green Tribunal, New Delhi and Commission for Air Quality Management, New Delhi vide letter No. L-11018/01/2021-CAQM 1054 dated 10.10.2024. The order was duly promulgated. The said order remained in force w.e.f. 12.09.2024 to 10.11.2024. In furtherance of the order, the then Deputy Commissioner, Sonipat issued instructions vide letter No. 5088-94/SK dated 18.12.2024 to village level

monitoring committee authorizing the committee to take punitive action including issuing of challan, lodging of FIR and filing complaint under Section 215 of BNSS, 2023 against the defaulting farmers in case of violation of order No. 11243-65/MB dated 12.09.2024. It is alleged in the final report of investigation that accused Ravinder had burnt stubble in his fields and he disobeyed the order of District Magistrate, Sonipat and thereby committed the offence punishable under Section 223 (a), BNS.

5. The accused submitted that he was issued a receipt bearing challan No. 25 in book No. 19 in respect of the same violation dated 14.11.2024 after imposing a fine of Rs. 5000/-. Receipt of the same is submitted today which the investigating officer admitted to be correct. The receipt is part of charge-sheet. Receipt bearing stamp of police-station is annexed with final report.

6. As per complaint dated 15.11.2024, on the basis of which FIR was registered, fields of accused Ravinder i.e. killa No. 156//18, 19/1 and 19/2, total area ad-measuring 11 kanal 02 marla, were physically inspected on 14.11.2024 in the evening. Ravinder was found cultivating land ad-measuring 11 kanal 02 marla which is less than 2 acre. Some burnt stubble was also found.

7. As per challan receipt, the office of Principal Secretary, Environment Department, Govt. of Haryana vide order No. 16/11/2016-3 Env. Dated 05.10.2016 had authorized the District Level Committee, Sonipat to recover environment compensation from the offending farmer. A farmer found burning paddy stubble/wheat straw having area less than 2 acre would pay Rs. 2500/- as environment compensation. For area between 2 to 5 acre, the penalty is Rs. 5000/-. For area above 5 acre, the farmer would pay Rs. 15000/-.

8. In the case at hand, the area of the land of accused Ravinder was less than 2 acre (mentioned in complaint/FIR) but he was compelled to pay double of the fine amount/ environment compensation i.e. Rs. 5000/- without any justification or without giving him an opportunity of hearing. This is a serious wrongdoing on part of the District Level Committee, Sonipat and it amounts to unjust and unlawful enrichment of the District Level Committee by causing wrongful loss to a helpless farmer. The act of District Administration by pressurizing a citizen of a democratic nation to pay double of the fine or compensation amount vis a vis the amount specified as compensation is highly condemnable and in breach of the basic human and legal rights provided by the constitution of India.

9. On the face of it, there is no justification for recovery of Rs. 2500/- more than the specified amount. It is apparently a matter of putrescence and dishonesty prevailing in the District Level Committee, Sonipat which needs inquiry from the appropriate authority. A citizen of this country was condemned unheard and he has been forced to pay the fine amount which the District Level Committee, Sonipat, headed by District Magistrate, Sonipat could not even impose within the domain of its authority. Therefore, a copy of this order be sent to State Human Rights Commission, Haryana as well as Office of Principal Secretary, Environment Department, Govt. of Haryana through the office of Ld. District & Sessions Judge, Sonipat for taking appropriate action against the erring officials of District Administration.

10. Reverting to the issue of taking cognizance, Section 215 BNSS specifies that for the purpose of taking cognizance of an offence punishable under Section 206 to 223, BNS (both inclusive) cognizance shall be taken by the Court

only on the basis of complaint in writing of the public servant concerned or some other public servant to whom he is administratively subordinate or of some other public servant who is authorized by the concerned public servant so to do.

11. Along-with the charge-sheet, no such authorization letter on behalf of the District Magistrate, Sonipat is placed on record. No complaint in writing is made by District Magistrate, Sonipat or any other officer/public servant authorized by him for alleged violation of the order No. 11243-65 dated 12.09.2024 passed by the District Magistrate, Sonipat under Section 163 of BNSS. No complaint in writing is addressed to the Court.

12. On the basis of letter No. 5088-94/SK dated 18.12.2024, patwari Mandeep Dahiya made a complaint to SHO, police-station Kharkhoda but no separate complaint for the purpose of taking cognizance for prosecution of contempt of lawful authority of public servant is made for the purpose of taking cognizance on the basis of final report of investigation submitted today. Thus, cognizance of offence cannot be taken.

13. Not only this, order No. 11243-65 dated 12.09.2024 passed by the District Magistrate, Sonipat remained in force for the period 12.09.2024 to 10.11.2024 whereas the complaint was made on 15.11.2024 for the incident dated 14.11.2024. Meaning thereby, the order was not in force on 14.11.2024. As such, the question of violation of order of the District Magistrate, Sonipat do not arise. Apparently, there was no offence. Instead of closing the FIR, final report was filed without verification of relevant facts.

14. For the foregoing reasons, ***the accused is discharged.*** Taking aid of Section 399, BNSS 2023, a compensation of Rs. 1000/- is awarded to Ravinder

for loss of time and expenses in the matter. In case the compensation amount is not paid within 30 days under intimation to this Court, an application for recovery of the amount from State Exchequer can be made to the Court.

15. File be consigned to records after compliance.

VIKRANT
UID No. HR0385
SDJM, Kharkhoda
30.09.2025

Anil, SG-II