

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M No. 18254 of 2014 (O&M)
Date of decision: 17.03.2015.**

Mohit Kaura and others Petitioners.

Versus

State of U.T. Chandigarh and another Respondents.

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. J.S. Bedi, Senior Advocate, with
Ms. Diya Sodhi, Advocate, for the petitioners.

Mr. A.S. Sullar, Additional P.P. for respondent No. 1.

Mr. Karan Bhardwaj, Advocate, for respondent No. 2.

Ms. Aarti, Advocate, for
Mr. Rajiv Kataria, Advocate,
for applicant – Gursharanjit Singh Rosha.

NAVITA SINGH, J.

This is a petition under Section 482 of the Code of Criminal Procedure, 1973, for quashing of impugned order dated 15.05.2014 (Annexure P9), FIR No. 154 dated 17.05.2014, under Sections 420, 406 of the Indian Penal Code, Police Station Sector 17, Chandigarh (Annexure P10) and the subsequent proceedings arising therefrom.

Report from the Court below has been received where statements of Amarjit Singh, Dr. Surinder Kumar as also of complainant Col. Lajbir Singh were recorded. One of the petitioners, i.e. accused Sharvan Gupta, had not appeared and an application was filed for his exemption due to physical indisposition. In any case, the complainants have stated that they have settled the matter with Sharvan Gupta. The

matter has been compromised between Mohit Kaura, Ajay Nambiar and Sharvan Gupta, on one side, and Amarjit Singh, Dr. Surinder Kumar and Col. Lajbir Singh, on the other.

One Mr. Gursharanjit Singh Rosha filed a separate complaint against the Company, i.e. M/s EMAAR-MGF Land Limited, which is pending and report under Section 202 of the Code of Criminal Procedure was sought by the Judicial Magistrate 1st Class, Chandigarh. Said Gursharanjit Singh Rosha intervened the proceedings and submitted a complaint that his claim had not been satisfied by the accused. In any case, he is not a party in the present case because the complainant and the accused are the persons named above.

It was observed in the order dated 19.02.2015 by this Court that Gursharanjit Singh Rosha was neither a complainant nor an effected party in the criminal case that is to be quashed, as submitted on behalf of the petitioners. It was mentioned that if he had any grievance against the petitioners in a separate cause, he could continue with the proceedings initiated by him without prejudice to the rights of the petitioners herein.

Mr. Gursharanjit Singh Rosha has no locus standi to intervene the proceedings which were sought to be quashed because that matter is between the complainant and the accused in this case and he has nothing to do with the proceedings initiated by complainants Amarjit Singh, Dr. Surinder Kumar and Col. Lajbir Singh against the Company/petitioners and he is at liberty to pursue his case separately.

Moreover, the dispute between the parties was of personal nature. In view of this, there should not be any impediment in allowing the

parties to compromise the matter. Support to this view can be had from the authority **Madan Mohan Abbot vs. State of Punjab, 2008 (2) RCR (Criminal) 429**, wherein Hon'ble the Supreme Court has ruled that in such type of cases where the dispute is of personal nature, Court should ordinarily accept the compromise.

In view of the above, the petition is accepted. The above-said impugned order (Annexure P9), FIR (Annexure P10) and the subsequent proceedings arising therefrom are hereby quashed.

Disposed of .

(NAVITA SINGH)
JUDGE

17.03.2015
Ramesh