

CRM No.M-11052 of 2015

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

Sr. No.258

CRM No.M-11052 of 2015

Date of Decision: February 23, 2016

Gourav Kumar and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Balbir Singh Jaswal, Advocate,
for the petitioners.

Mr. J.S. Sekhon, AAG, Punjab.

Mr. Sarvesh Malik, Advocate for
Mr. R.S. Khosla, Senior Advocate,
for respondent No.2-GLADA.

JASPAL SINGH, J. (ORAL)

This is a petition preferred under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 58, dated 03.06.2012, under Section 36(1) of Punjab Apartment and Property Regulation Act, 1995, registered at Police Station Kulgari, District Ferozepur (Annexure P-1), as well as subsequent order dated March 24, 2015 passed by the learned trial Court. Meanwhile, application moved by the prosecution for suspension of proceedings have been dismissed.

At the very outset of the arguments, learned counsel for

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the petitioners submits that he does not press instant petition so far, as it relates to quash the FIR is concerned and now his prayer is only qua the suspension of proceedings and set aside the order dated March 24, 2015.

Undisputably, in pursuance of the compromise compounding fee to the extent of 25% of the amount has already been deposited in the office of Competent Authority vide online application No. 213886, dated November 05, 2013 and receipt No. 23 of Book No. 390, dated July 04, 2014. This fact has not been disputed by learned counsel appearing on behalf of respondent No.2-complainant. As per the scheme notified by the Government of Punjab, Department of Housing and Urban Development, Branch (II) on August 21, 2013. The legal proceedings, if any, are liable to be got suspended after receipt of application from the promoter along with 25% of the charges. Since the aforesaid condition has been complied with legal proceedings pending in the Court deserves to be suspended till the matter is finally settled between the parties.

In view of what has been discussed about, instant petition is partly accepted and order dated March 24, 2015 passed by the learned Magistrate, Ferozepur is set aside. Consequently, application moved by Additional Chief Administrator, GLADA, Ludhiana dated October 17, 2014 stands allowed.

February 23, 2016

Ankur

**(JASPAL SINGH)
JUDGE**