

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

(122)

CRM-M-13817-2014

Decided on: November 10, 2016.

Mala Bhardwaj and others

.... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Amar Ashok Pathak, Advocate, for the petitioners, except petitioner No.4.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

This is a petition for quashing of the criminal proceedings on the ground that neither any offence is made out against the petitioners nor sanction had been granted by the competent authority.

Learned counsel for the petitioners has submitted that after the sanction had been declined, the cancellation report had been submitted which was not accepted. It is a case where sanction had been refused while the petitioners were in service but challan has been presented against them.

When confronted with the reason for launching prosecution against the petitioners, on the instructions of Inspector Sukhdev Singh, learned State counsel submits that since the petitioners have now retired, the proceedings can be launched against them.

The prosecution of the petitioners is absolutely contrary to the law laid down by the Apex Court in **Chittaranjan Dass Vs. State of Orissa, 2011 (7) SCC 167** wherein it has been specifically laid down that where the

prosecution is not launched for want of sanction against a public servant, the launching of prosecution after retirement will not be permissible.

In view of said circumstances, the petition is allowed qua all the petitioners except petitioner No.4, Rashmi Dhall, quo whom the petition already stands dismissed as withdrawn. The aforesaid FIR and all the criminal proceedings against all the petitioners except petitioner No.4, including the report under Section 173 (2) Cr.P.C., are hereby quashed.

(M.M.S. BEDI)
JUDGE

November 10, 2016
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No