

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

Criminal Misc. No.M-3614-2011(O&M)

Date of decision: 30.03.2016

Sudhir Jain

----Petitioner (s)

V/s

Supdd. Customs & Central Excise

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Sunil Chadha, Senior Advocate with
Ms. Pallavi Singh, Advocate for the petitioner.

Mr. D.D. Sharma, Advocate for the respondent.

HARI PAL VERMA, J.(Oral)

Prayer made in this petition filed under Section 482 Cr.P.C., is for quashing of complaint dated 13.09.1996 (Annexure P-3) titled as “Superintendent, Customs & Central Excise Vs. Sudhir Jain and others” filed under Section 9 of the Central Excise & Salt Act read with Sections 183, 186, 201, 323, 342, 353, 506 and 34 IPC, as well as the summoning order dated 17.09.1996 (Annexure P-4) passed by learned Chief Judicial Magistrate, Ludhiana, whereby the petitioner has been summoned in the above mentioned complaint alongwith all subsequent proceedings arising therefrom.

Learned counsel for the State submits that for the same set of facts, FIR No. 322, dated 02.09.1996, at Police Station Sadar,

Ludhiana, under Sections 323, 324, 506, 452, 148 and 149 IPC was registered against the officials of the Central Excise. Subsequently, the cross-version was also recorded on the basis of statement of Bhupinder Singh Bedi, Inspector Central Excise, in the said FIR.

Learned counsel for the parties are ad-idem that so far as FIR No.322 dated 02.09.1996 under Sections 323, 324, 506, 452, 148 and 149 IPC registered at Police Station Sadar Ludhiana and the cross version recorded in the above said FIR are concerned, same have already been quashed on the basis of compromise entered into between the parties vide order dated 27.04.2006 passed in **CRM-M-39937 of 2005** titled as "Bhupinder Sing Bedi and others Vs. State of Punjab and another", and **CRM-M-39918 of 2005** titled as "Sudhir Jain and another Vs. State of Punjab and another" respectively.

Learned counsel for the parties further submits that since main FIR as well as cross-version have already been quashed, the instant complaint as well as summoning order, which is an off shoot to the FIR and cross version, is also liable to be quashed.

In view of the fact that learned counsel for the parties have admitted the fact that the impugned complaint as well as the summoning order have arisen from the same set of facts, the complaint dated 13.09.1996 (Annexure P-3) as well as summoning order dated 17.09.1996 (Annexure P-4) passed by learned Chief Judicial Magistrate, Ludhiana, are hereby quashed.

Petition stands disposed of.

30.03.2016
Anjal

[HARI PAL VERMA]
JUDGE