

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

Date of Decision: October 30, 2017

1. **CRM-M No.8932 of 2015 (O&M)**

Ravinder Kumar Gupta & another

...Petitioners

Versus

Greater Mohali Area Development Authority & others

...Respondents

2. **CRM-M No.26698 of 2015 (O&M)**

Naveen Sood & others

...Petitioners

Versus

State of Punjab & another

...Respondents

3. **CRM-M No.33435 of 2015 (O&M)**

Rampal & others

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr.Sanjiv Gupta, Advocate,
for the petitioners in CRM-M No.8932 of 2015.

Mr.Deepak Bhardwaj, Advocate,
for the petitioners in CRM-M Nos.26698 & 33435 of 2015.

Mr.Bhupender Beniwal, AAG, Punjab,
for the State.

AMIT RAWAL, J. (Oral)

This order of mine shall dispose of three petitions bearing
No.8932, 26698 and 33435 of 2015 as the common questions of law and
fact are involved. The facts are being taken from CRM-M No.8932 of 2015.

Prayer in the present petition is for quashing of the Criminal
Complaint No.358 dated 22.8.2008 under Sections 36 read with Sections 2

(1), 3(1), 5(1) and 21(1) of the Punjab Apartment and Property Regulation Act, 1995 (for short “1995 Act”) and 120-B IPC (Annexure P-1), summoning order dated 22.8.2008 (Annexure P-2) and order dated 4.8.2014 (Annexure P-5) passed by the Sub Divisional Judicial Magistrate, Dera Bassi along with all consequential proceedings.

Learned counsel for the petitioners submits that the provisions of 1995 Act were amended vide notification of 2014, whereby there is a provision for compounding of the offences as provided under the Act, i.e., for setting up a colony without taking the permission. He further submits that the petitioners have already submitted an application dated 15.11.2013 for regularisation of the colony and the same was regularized vide letter dated 30.10.2014 (Annexure P-6). Even the compounding fee had been deposited vide receipts (Annexure P-8). Respondent No.1-GMADA had written a letter dated 5.1.2015 to the Regional Deputy Director, Local Government, Patiala-respondent No.3 for withdrawal of the complaint.

I have heard the learned counsel for the parties, appraised the paper book and is of the view that once as per the submission of Mr.Gupta, the colony of the petitioners had already been regularized and compounding fees deposited, no useful purpose would be served in keeping the complaint pending.

Resultantly, the present petition is disposed of with a direction to respondent No.3, i.e., Regional Deputy Director, Local Government Department, Patiala to take action as per letter dated 15.1.2015 (Annexure P-7) in accordance with law.

October 30, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No