

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

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CRM-M No.32823 of 2017

Date of Decision: April 25th, 2018

Sham Lal and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Deepak Aggarwal, Advocate
for the petitioners.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab.

Mr. S.S. Kaliramna, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of FIR No.41 dated 23.05.2012 (Annexure P-1) registered under Sections 36(1)/36(3) Punjab Apartment and Property Regulation Act, 1995, at Police Station Chhajli, District Sangrur and all consequential proceedings arising out of the same as the offence has been made compoundable and the petitioners and respondent No.2 have compounded the offence.

It is the contention of learned counsel for the petitioners that the offences, for which the FIR was registered against the petitioners, are compoundable as per the amendment which has been brought about Punjab Government in the Punjab Laws (Special Provisions) Act, 2013 for the regularisation of unauthorised colonies in the State of Punjab. As per the Notification dated 21.08.2013 (Annexure R-2), the offence has become compoundable. Petitioners have moved an application for compounding of the said offence which has been accepted and the fee as well as the penal interest thereon along with the interest has been duly deposited. It has been stated in the affidavit which has been filed by the

respondent No.2 that the irregularities have been regularised and the regularisation certificate has been issued by Additional Chief Administrator-cum-Competent Authority, PDA, Patiala-respondent No.2 on 17.08.2017 as the requirements stand fulfilled by the petitioners as per the Policy. Recommendations have also been made for dropping the proceedings initiated against the petitioners vide a letter dated 17.08.2017. He, therefore, prays that the present petition be allowed.

Counsel for respondent No.2 acknowledges the assertions, as have been put forth by the counsel for the petitioners.

Keeping in view the above factual position, the present petition is allowed.

FIR No.41 dated 23.05.2012 registered under Sections 36(1)/36 (3) Punjab Apartment and Property Regulation Act, 1995, at Police Station Chhajli, District Sangrur along with all consequential proceedings arising therefrom are hereby quashed with the compounding the offences.

April 25th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No