

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-6779-2016

Date of decision: 05.10.2018

Baldev Raj and another

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Sandeep Verma, Advocate for
Mr. Sukhdeep Parmar, Advocate for the petitioners.

Mr. Yashwinder Singh, DAG, Haryana.

Mr. Rajesh Sheoran, Advocate for respondent No. 2.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing FIR No. 639 dated 28.07.2015 (Annexure P-1) registered under Section 188 IPC at Police Station Model Town Panipat, District Panipat and all the subsequent proceedings arising therefrom.

In nutshell, the petitioners after getting sanctioned site plan from Municipal Corporation, Panipat, started constructing their house. Since, the petitioners were constructing basement without any sanction, therefore, respondent No. 2, lodged the aforesaid FIR (Annexure P-1) against them, after serving notice under Sections 250 and 261 of the Haryana Municipal Corporation Act, 1994 (for short-'the Act').

Learned counsel for the petitioners *inter alia* contends that the alleged unauthorized construction of basement is compoundable by virtue of

against the petitioners.

Learned counsel for respondent No. 2 has not disputed the above submissions of learned counsel for the petitioners qua compounding of alleged illegal construction of the petitioner under Section 267A of the Act.

Considering this aspect of the matter, FIR No. 639 dated 28.07.2015 (Annexure P-1) registered under Section 188 IPC at Police Station Model Town Panipat, District Panipat and all the subsequent proceedings arising therefrom, qua the petitioners are quashed.

The instant petition stands disposed of, accordingly.

October 05, 2018

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**(RAMENDRA JAIN)
JUDGE**

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