

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

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**C.R.M-M No.35607-2018 (O&M)
Date of Decision : 04.04.2019**

Arun Kumar

..... Petitioner

Versus

State of Punjab & ors.

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Pardeep Rajput, Advocate
for the petitioner

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. Amit Arora, Advocate
for respondent No.4.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.28 dated 27.06.2009, registered under Section 7 read with Section 13(2) of Prevention of Corruption Act, 1988 (for brevity 'PC Act') registered at Police Station Vigilance Bureau, District Amritsar alongwith framing of charge/charge sheet dated 06.08.2013 along with consequential criminal proceedings against petitioner be set aside as criminal proceeding can not be initiated for want of sanction of prosecution.

The brief contention raised by the learned counsel for the petitioner is that the competent authority i.e. appointing authority i.e.

Chairman of the Market Committee had specifically refused sanction and

the reliance on the trial Court on the case *Amarjit Singh (Patwari) Vs. State of Punjab, 2012 (3) RCR (Criminal) page 79* can not be accepted because that case does not lay down the correct law and has relied upon the order dated 11.01.2019 passed by this Court in *CRM-M-28864-2013* titled as *Rajpal Singh Vs. State of Punjab*.

Learned Senior DAG on instructions from Inspector Gural Singh has accepted all these factual assertions.

Consequently, this petition is allowed and the above said FIR alongwith other consequential proceedings qua petitioner is quashed.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

04.04.2019
pooja sharma-I

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