

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 16.01.2019

1. CRM-M-4953-2018 (O&M)

Surjit Singh Jaura

....Petitioner

Versus

State of Punjab and others

....Respondents

2. CRM-M-53086-2018 (O&M)

Surjit Singh Jaura

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Inder Pal Singh, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-43720-2018 in CRM-M-53086-2018

For the reasons stated in the application, same is allowed and date
of hearing fixed in the main case i.e. 15.02.2019 is preponed to today.

CRM stands disposed of.

CRM-M-4953 & 53086-2018

Prayer in both these petitions is for quashing of kalandra under Section 182 of the Indian Penal Code (for short 'IPC') in DDR No.17 dated 28.02.2015 titled as State Vs. Surjit Singh Jaura, pending before the Illaqa Magistrate/trial Court and all the subsequent proceedings arising therefrom.

By way of CRM-41458-2018 in CRM-M-4953-2018, the petitioner has also prayed for quashing of FIR No.263 dated 22.10.2018 under Section 174-A IPC, registered at Police Station Sadar Tarn Taran.

On the oral request made by learned counsel for the petitioner, main case i.e. CRM-M-4953-2018 is taken on board for final disposal.

Learned counsel for the petitioner submits that the petitioner had already appeared before the trial Court on 29.10.2018 and was released on bail subject to furnishing his bail/surety bonds and he has also deposited the costs of Rs.50,000/- in the Govt. Treasury.

Reply by way of affidavit of Deputy Superintendent of Police, Sub Division Tarn Taran, District Tarn Taran filed in the Court today, is taken on record and as per this affidavit, the police has already moved an application on 20.08.2016 for withdrawal of the aforesaid kalandra under Section 182 IPC and the same is pending before the Illaqa Magistrate. It is further stated in the affidavit that the dispute between the petitioner and the accused persons was related to an agreement to sell dated 21.12.2011 and later on, they had sold the same plot No.133 situated at Sultanwind Suburban, Tehsil and District Amritsar to some other person i.e. Sawinder Kaur and in this regard, the petitioner has

moved many representations and on the basis of his complaint, FIR No.334 dated 18.12.2015 under Sections 420, 120-B IPC was registered at Police Station City Tarn Taran, District Tarn Taran against the accused persons. Later on, the matter was amicably settled between the parties in the aforesaid FIR and a petition for quashing of the said FIR i.e. CRM-M-52685-2018 has been filed before this Court, in which the parties have recorded their respective statements and the same is pending for 26.02.2019.

The trial Court has submitted a report that the matter has been compromised between the parties, however, there is no Investigating Officer in the case and complainant is SHO of the Police Station City Tarn Taran, who stands retired. However, the trial Court has recorded a finding that the matter between the private parties stands compromised and they have recorded their respective statements.

Learned State counsel, on instructions from ASI Balwinder Lal, has however submitted that proceedings before the trial Court, after filing of the application for withdrawal of the kalandra, remained pending for the fact that the petitioner, at one point of time, was declared a proclaimed offender and later on, as per directions of this Court, when the petitioner was directed to appear before the trial Court, he was released on bail subject to furnishing his bail/surety bonds and on deposit of costs of Rs.50,000/-, which already stands deposited in the Govt. Treasury.

Considering the fact that the parties have compromised the main dispute, arising out of aforesaid FIR No.334 and they have already filed CRM-M-52685-2018, in which, as per affidavit of the DSP, Sub Division, Tarn Taran,

the parties have already appeared before the trial Court and made their respective statements acknowledging the compromise and also in view of the fact that the petitioner is NRI and has to travel back, both these petitions are allowed and impugned kalandra under Section 182 IPC in DDR No.17 dated 28.02.2015 titled as State Vs. Surjit Singh Jaura, pending before the Illaqa Magistrate/trial Court, FIR No.263 dated 22.10.2018 under Section 174-A IPC, registered at Police Station Sadar Tarn Taran and all the subsequent proceedings arising therefrom, are quashed.

[ARVIND SINGH SANGWAN]
JUDGE

16.01.2019
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No