

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

274

CRM-M-35780-2019 (O&M)

Date of Decision: 16.09.2022

VIJAY KUMAR

...Petitioner

Versus

STATE OF PUNJAB AND ANR

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. PS Sullar, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks quashing of FIR No.07 dated 09.01.2013, registered under Section 36(1) of the Punjab Apartment and Property Regulation Act, 1995 at Police Station Dera Bassi, District SAS Nagar, along with all the consequential proceedings arising therefrom.

Fresh reply by way of an affidavit dated 01.04.2022 of the Deputy Superintendent of Police, Sub-Division Derabassi, District SAS Nagar, filed on behalf of the respondent-State, in the Registry, is taken on record.

Paras 4 and 5 of the aforesaid status report reads as under:-

4. That thereafter the petitioner filed an application before the Chief Administrator, GMADA, Mohali, regarding his innocence and after conducting the enquiry in the matter, the Chief administrator,

GMADA, Mohali vide letter/Memo/GMADA/MA(H)/S(l)/20019/994 dated 28.02.2019 informed the police that the petitioner has been found innocent.

- 5. That in view of the above letter dated 28.02.2019 of the Chief Administrator, GMADA, Mohali, the petitioner/accused Vijay Kumar was declared innocent vide case diary No.22 dated 30.06.2019 recorded by the then Investigation Officer Assistant Sub-Inspector Narinder Singh. Consequently, agreeing with the Investigating Officer, Sub-Inspector Satinder Singh SHO Police Station Derabassi also recorded a diary No.23 dated 02.07.2019.....*

Learned counsel for the petitioner submits that the petitioner has falsely been indicted in the present case; that the petitioner and one Anil Kant had purchased a land on 18.03.2010 from Golden Maldies Pvt. Ltd, which they later on sold to Sudha Rani vide sale deed dated 08.09.2011 and that after selling the said land, the petitioner has no right on it. He further submits that in the year 2012, the Company i.e. M/s Rajdeep and Co. through Jasbir Singh and others have carved out plots in contravention of the Punjab Apartments and Property Regulation Act, 1995. Accordingly, an application was filed by the petitioner before the Chief Administrator, GMADA, Mohali and the petitioner was found innocent. Agreeing with the report and investigation conducted by Sub-Inspector, SHO, Police Station Derabassi has recorded case Diary No.23 dated 02.07.2019. It is still further submitted that at one stage, SHO,

Police Station Derabassi submitted cancellation report before the learned Judicial Magistrate.

On the other hand, learned State counsel submits that FIR in question was recorded in the year 2013 and Punjab Apartment and Property Regulation Act, came into existence in the year 1995, much prior to the registration of the FIR. On the application of the petitioner, an enquiry was conducted and on the basis of the said enquiry, Chief Administrator, GMADA found petitioner innocent and that the petitioner was further recorded innocent by the Investigating Officer vide case Diary No.22 dated 30.06.2019.

I have heard the learned counsel for the parties.

In view of the above, since the petitioner has already been declared as innocent, the present petition is allowed and FIR No.07 dated 09.01.2013, registered under Section 36(1) of the Punjab Apartment and Property Regulation Act, 1995 at Police Station Dera Bassi, District SAS Nagar, along with all the consequential proceedings arising therefrom, are quashed qua the petitioner only.

16.09.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>