



CRM-M-42929-2016 (O&M)

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

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CRM-M-42929-2016 (O&M)
Date of Decision: 18.11.2025

Kuljinder Pal Singh Sandhu

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. G.S. Kaura, Advocate for the petitioner.

Mr. H.S. Deol, Sr. DAG, Punjab.

Mr. Ashish Grover, Advocate for respondent No.2.

H.S. GREWAL, J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. for quashing of the order dated 25.07.2016 (Annexure P-4) whereby the proceedings have been initiated by Id. JMIC, Sri Muktsar Sahib under Section 340 Cr.P.C along with Section 446 Cr.P.C and all the subsequent proceedings arising therefrom on the ground that after compounding the offence in case FIR No. 200, dated 23.08.2009 under Section 36(3) of Punjab Apartment and Property Regulation Act 1995, registered at Police Station Muktsar City, the proceedings initiated against the petitioner under Section 340 Cr.P.C along with Section 446 Cr.P.C on the application of one stranger person, namely, Jaspal Singh r/o Gawalior, MP who is having dispute with the petitioner, is wholly unjust and arbitrary under the law.

2. Learned counsel for the petitioner submits that the aforesaid



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FIR, pertaining to deposition of compounding fee with respondent No.2-PUDA, had already stood compounded in accordance with the statutory provisions of the said Act. It is contended that once the offence was duly compounded and the matter attained finality, no further criminal proceedings were maintainable. He further submits that despite the compounding of the principal offence, an application was subsequently moved by a person who was neither the complainant nor an aggrieved party, alleging that the petitioner had sought short exemption from personal appearance on a false ground. It is contended that such an application was wholly misconceived and not maintainable, as the said applicant had no *locus standi* to intervene in proceedings arising out of a matter already settled and concluded.

3. It is also submitted that the FIR was lodged on 23.08.2009 and the impugned order was passed on 25.07.2016 (Annexure P-4) and the continuation of the proceedings at the instance of a third party, after conclusion of the main dispute, would amount to abuse of process of law and cause unnecessary harassment to the petitioner.

4. Learned State counsel, while opposing the present petition, submits that the impugned order dated 25.07.2016 was passed by the learned Magistrate in exercise of judicial discretion and the initiation of proceedings against the petitioner under Section 340 Cr.P.C. is sustainable under the law.

5. Learned counsel for respondent No.2 also supports the impugned order and submits that the application moved before the trial Court contained specific allegations that the petitioner had sought exemption on a false ground and therefore, the petition filed by the petitioner is liable to be dismissed.



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6. I have heard the learned counsel for the parties and perused the record.

7. It is an undisputed fact that the principal offence under the Punjab Apartment and Property Regulation Act, 1995 was compounded, therefore, the ancillary or collateral proceedings qua the aforesaid FIR could not survive. Once the main proceedings ended, initiation of action on an application filed by a stranger, who had no *locus* to challenge or question the petitioner's exemption, could not revive concluded litigation. The impugned order also reflects that the proceedings under Section 340 Cr.P.C. were initiated solely on account of absence/exemption issue during the pendency of the trial. It is also an admitted fact that the petitioner was granted *pre-arrest* bail by the learned Additional Sessions Judge vide order dated 10.09.2009.

8. It is well-settled in law that proceedings under Section 340 Cr.P.C. should not be started casually. Such action can be taken only when the Court finds that it is necessary in the interest of justice and that there is some clear material showing an offence which affects the administration of justice. The Supreme Court in the cases of *Iqrabuddin vs. State of U.P., (2020) 10 SCC 553* and *Prithish vs. State of Maharashtra, (2002) 1 SCC 253* has categorically held that before directing an inquiry under Section 340 Cr.P.C., firstly, the Court must be satisfied that such inquiry is required and that these proceedings cannot be initiated simply on the request of a third person who has no right or connection with the case.

9. In view of the above, this Court is of the considered view that once the main case stood compounded, an application filed by a person who

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had no nexus with the original case could not justify continuation of proceedings under Section 340 Cr.P.C.

10. Consequently, the petition is allowed and the order dated 25.07.2016 (Annexure P-4) whereby the proceedings have been initiated by learned JMIC, Sri Muktsar Sahib under Section 340 Cr.P.C. along with Section 446 Cr.P.C. and all the subsequent proceedings arising therefrom, are hereby quashed qua the petitioner.

11. Pending application, if any, shall stand disposed of accordingly.

18.11.2025*renu***(H.S.GREWAL)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No