

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

**CRM-M No. 55251 of 2025
Reserved on: 01-10-2025
Pronounced on: 09.10.2025**

Kamal Dhawan

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sunil Polist, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
0430	20.07.2020	Samalkha, District Panipat (Haryana)	6, 7A of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregister Development Act (Section 12 added later on)

1. Aggrieved by the registration of FIR captioned above, the accused has come up before this court under section 528 BNSS, 2023, for its quashing on the grounds that the matter has been compromised between the parties because the District Town Planner has accepted the compounding of the matter.

2. I have heard petitioners' counsel as well as counsel for the state, and gone through the pleadings, and their analysis would lead to the following outcome. The FIR in question was registered due to some Deviation made by the petitioner; however, the matter was later compromised and compounded.

3. Earlier, the petitioner had come up before this Court by filing a quashing petition, which was registered as CRM-M-4765 of 2022. Vide order dated April 19, 2023, this Court disposed of the petition because the State counsel had made the statement that the Director had permitted the compounding of the offense; hence, no further proceedings are to be initiated against the offender in FIR No.430 dated July 20, 2022, registered at Police Station Samalkha.

4. After that, the police report, which was pending before Judicial Magistrate First Class Samalkha, issued notice to the accused on 31st May 2025. On this, the petitioner had filed an application for dropping the proceedings, given the statement made by the States'

Counsel in CRM 4765 of 2022.

5. Vide order dated 24th July 2025, Judicial Magistrate First Class Samalkha did not agree to such application, however, adjourned the matter without deciding the same. Learned Magistrate observed that DTP(E), Panipat Mr. Sumit Malik, stated that requisite compliance has not been made by the accused.

6. The petitioner's Counsel has referred to Annexure P-7, which is the reply filed by ATP, O/o District Town Planner, Jhajjar to the application dated 22nd July 2025 filed by the petitioner. It shall be relevant to reproduce the said reply, which reads as follows:

"I, Satish Kumar, posted as ATP in the office of District Town Planner, Jhajjar stated

1. I was posted as ATP in the office of District Town Planner (E), Panipat from 16.07.2020 to 14.10.2021.

2. That during my posting period at Panipat, I sent a complaint in contravention of the provisions of section- 6 and sub-section (i) of section 7 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 against unauthorized construction of RMC Plant bearing khasra no. 96//13/2/2, 14/1/2, 15/2/2, 17, 18 in the revenue estate of village Patti Kalyana, Tehsil Smalkha, District Panipat In controlled area Smalkha on dated 20.07.2020 and FIR was registered vide FIR no. 430 of 2020 in Police Station Smalkha.

3. That Jakson Eminence Pvt. Ltd. has obtained CLU permission for setting up of temporary RMC plant over an area measuring 18160.117 sqm in khasra no. 95//6/1, 6/2, 6/3, 15/1/3, 15/1/2, 15/1/1, 27/1/2, 27/1/1, 96//10/3/2, 11/1/1/1/1, 18, 23, 13/2/2, 14/1/2, 16, 17, 24, 25, 119//3, 97//16 in the revenue estate of village Patti Kalyana, Tehsil Smalkha, District Panipat and the illegal construction was compounded vide Director, Town & Country Planning, Haryana, Chandigarh memo no. CLU/PT-1051A/CTP/27924/2021 dated 02.11.2021.

4. That the offender has filed CRM-M-4765 of 2022 in the Hon'ble Court for cancellation of FIR no. 430 of 2020 and further an order has been passed by the Hon'ble Punjab & Haryana High Court in CRM-M-4765 of 2022 stated that "That the offence has been compounded by the Director as mentioned above, hence no further proceedings are to be initiated against the offender in FIR no. 430 dated 20.07.2022, PS Samalkha." Copy of the same is also attached.

Accordingly Hon'ble court may be decided as per law."

7. An analysis of paragraph 3 of the reply mentioned above clearly mentions that the matter was compounded. However, even if some dues are yet to be paid by the petitioner, these can be pointed out to him, and a reasonable time can be given to enable the petitioner to settle such outstanding dues. However, there is no justification for keeping this FIR pending.

8. The present case falls squarely within the parameters of law laid down by the Hon'ble Supreme Court in 'State of Haryana versus Bhajan Lal 1991(1) R.C.R. (Cr) 383.

9. In the peculiar facts and circumstances, it is a fit case where the continuation of criminal proceedings amounts to an abuse of the process of law.

10. Given the above, the Court invokes its inherent jurisdiction under section 482 CrPC, 1973 / 528 of BNSS, 2023, to quash the FIR and all subsequent proceedings. Consequently, the FIR captioned above is quashed and set aside.

11. **Petition allowed in terms mentioned above.** All pending applications are closed.

(ANOOP CHITKARA)
JUDGE

09.10.2025
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Whether speaking/reasoned	YES
Whether reportable	NO