

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No. M-14574 of 2015

Date of Decision: 05.10.2015

Sandeep Kumar

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. A.S. Kakkar, Advocate
for the petitioner (s).

Mr. P.S. Madahar, AAG, Punjab.
Mr. M.S. Bajwa, Advocate for
Mr. VPS Mithewal, Advocate
for respondent no.2.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.94 dated 17.7.2013 under Sections 103/104 Trade Marks Act, 1999 and Sections 63/65 Copy Rights Act, 1957 registered at Police Station City South Moga, Distt. Moga (Annexure P-1) and subsequent proceedings arising therefrom on the basis of compromise by way of affidavit dated 17.3.2015 (Annexure P-2).

This Court vide order dated 23.7.2015 had directed the parties to appear before the trial Court/Area Magistrate and the trial Court/Area Magistrate was directed to record their statements with regard to compromise and submit its report.

Pursuant to the aforesaid order dated 23.7.2015, the parties have appeared before Judicial Magistrate Ist Class, Moga and have got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 25.8.2015 to the effect that the compromise arrived at between the parties is voluntary and without any pressure in any manner. The statement of complainant Sahadat Hussain reads as under:-

“Stated that I have compromised the matter with the accused Sandeep Kumar with the intervention of respectable persons and now I have no grudge and enmity against the accused. I entered into the abovesaid compromise voluntarily and without any pressure or coercion on part of anybody. I do not want to proceed further with the FIR No.94 dated 17.07.2013 u/s 103, 104 of Trade Mark Act, 1999 and Section 63, 65 of Copy Right Act, 1957, P.S. City South Moga, Distt. Moga. I have no objection if the FIR be quashed and compromised be accepted. I have seen the compromise Ex.C1 on which I identify my signature.

RO&AC

Sd/-

(Sahadat Hossain) Gaurav Gupta, JMIC, Moga
Identified by Sh. Rohit Sood, Adv.) 01.08.2015
Sd/-“

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)10 SCC 303, this petition is allowed and FIR No.94 dated 17.7.2013 under Sections 103/104 Trade Marks Act, 1999 and Sections 63/65 Copy Rights Act, 1957 registered at Police Station City South Moga, Distt. Moga (Annexure P-1) and subsequent proceedings arising therefrom are quashed, *qua* the petitioner, in view of compromise by way of affidavit dated 17.3.2015 (Annexure P-2).

October 05, 2015
AK

(HARI PAL VERMA)
JUDGE