

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 917 of 2016**

Sandeep Raheja S/o Shri P.L. Raheja, aged about 46 years, R/o behind Post Office, Tatibandh, Aamanaka, Raipur, District Raipur, CG

---- **Petitioner**

Versus

1. State of Chhattisgarh through Station House Officer, Police Station Moudhapara, Raipur, District Raipur, Chhattisgarh
2. Mukesh Kumar Pandey S/o Shri Ramashish Pandey, aged about 33 years, R/o Okhla Industrial Area, PS Okhla, Delhi

---- **Respondents**

For Petitioner	: Shri Rahim Ubwani, Advocate
For Respondent no.1/State	: Shri Lav Sharma, Panel Lawyer
For Respondent no.2	: Shri Yogesh C. Pandey, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

21/11/2016

1. The present petition under Section 482 CrPC has been preferred seeking for quashment of the criminal proceedings initiated against the petitioners at the behest of the respondent no.2/complainant in Criminal Case No. 18818/2015 pending before the JMFC, Raipur/ Special Railway Magistrate, Raipur.

2. As per the prosecution, the respondent No.2 complainant Mukesh Kumar Pandey lodged an FIR in Crime No. 181/2015 whereby the offence under Sections 420 of IPC and 51 & 63 of Copy Right Act and Section 102 & 104 of Trade Mark Act was registered against the petitioner. After investigation the matter was put to trial before the JMFC, Raipur in Criminal Case No. 18818/2015.

3. Pending the said Criminal case before the trial Court, the parties to the dispute settled the matter between themselves and

moved an appropriate application under Section 320 (2) of CrPC before the Court below for compounding the offence where the offence under Section 420 IPC was permitted to be compounded. Since the other offences were not compoundable, the case was ordered to be proceed further with the offence under Sections 63 (A) of Copy Right Act and Section 104 of Trade Mark Act.

4. Counsel for the petitioner submits that since the parties to the dispute have already entered into a compromise and the substantive offence under Section 420 of IPC has already been closed by the Court below, no fruitful purpose would serve if the petitioner is made for undergoing the entire trial for the remaining part of the offence particularly when the complainant himself has made a statement along with his application under Section 320 (2) of CrPC that he does not intend to prosecute the petitioner any further and prayed that the matter may be closed once and for all.

5. Counsel for the State submits that since the parties have already entered into a compromise and the substantive offence under Section 420 IPC already stood closed by the Court below, the State does not have any objection if the matter is closed and the offence is permitted to be compounded.

6. Considering the total facts and circumstances of the case particularly the compromise which has been entered into between the parties, this Court is of the opinion that it would be an important consideration for the High Court while exercising the powers under Section 482 CrPC to compound the offence.

7. The opinion of this Court stands fortified from the judgment of the Supreme Court in the case of **Gian Singh v. State of Punjab & Another** [2012 (10) SCC 303] and also in the case of **Central Bureau**

of Investigation, ACB, Mumbai v. Narendra Lal Jain and Others
[2014 (5) SCC 364].

8. Another aspect which has to be borne in mind is that since the parties to the dispute having entered into a settlement and compromised the matter, there is a minimal chance of the Complainant coming forward in support of the prosecution case and the chances of conviction therefore appear to be very remote and it would not be justified to drag these proceedings unnecessarily knowing fully well the final outcome.

9. In view of the statement made by the Complainant and keeping in view the law laid down by the Supreme Court in the case of **B. S. Joshi & others v. State of Haryana & Another** [2003 (4) SCC 675] and in the case of **Gian Singh** (*supra*) and **Central Bureau of Investigation** (*supra*), this Court is of the opinion that it is a fit case where the parties can be permitted to compound the offence and they are permitted to do so.

10. Accordingly, the petition under Section 482 CrPC is allowed. The Criminal proceeding against the petitioner pending before the Court of JMFC, Raipur in Criminal Case No.18818/2015 stands quashed and the petitioner stands discharged from the offence under Section 63 (A) of Copy Right Act and Section 104 of Trade Mark Act.

Sd/-
(P. Sam Koshy)
JUDGE