

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

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CRL.P.NOS.208 AND 9350 OF 2016

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COMMON ORDER

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the 1st respondent - State and the learned counsel for the 2nd respondent in both the petitions. Since both the petitions are connected, they are being disposed of together by this common order

M/s B.S.Progressive Pvt. Ltd., filed private complaint against (1) M/s S.G.Sales Corporation, (2) Gopal Rathi, (3) Nirmal Kumar Rathi, (4) Rakesh Kumar and (5) Tanishq Ply wood, on the file of XVI Additional Chief Metropolitan Magistrate, Nampally, Hyderabad. The said complaint is registered as FIR/Crime No.258 of 2015 on the file of Police Station, Habeebnagar , Hyderabad against (1) Gopal Rathi, (2) Nirmal Kuar Rathi, (3) Rakesh Kumar Rathi, all are partners of M/s S.G.Sales Corporation, Jaipur Rajasthan, for the offences punishable under Sections 120-B, 420 IPC and Section 107(1) (c) of Trade Mark Act, 1999. M/s. S.G. Sales Corporation, represented by its partner Mr. Gopal Rathi, filed CrI.P.No.208 of 2016 under Section 482 Cr.P.C. to quash FIR/Crime No.258 of 2015 and the other accused A-1 to A-5 filed CrI.P.No.9350 of 2016 to quash the said proceedings.

3. Today, when the matter came up for hearing, both the counsel submitted that the parties have amicably settled the matter and the 2nd respondent in both the criminal petitions, which is the de facto complainant filed CrI.M.P.Nos.10123 and 10124 of 2016 in CrI.P.No.208 of 2016 and CrI.M.P.No.10134 of 2016 in CrI.P.No.9350/2016 to permit it to compound the above offences and quash the proceedings in terms of the compromise entered into between the parties.

The learned counsel submitted that in the present case some of the offences are non-compoundable and as the parties have settled the matter,

sought this court, to record compromise and quash the proceedings. In support of this submission, the learned counsel relied on the judgment in **Yogendra Yadav v. State of Jharkhand**^[1], wherein the Apex Court held that “ *However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable.*”

4. Except petitioners 2 and 3, who are gave special power of attorneys to other accused, the remaining accused are present in person and submitted that they have amicably settled the matter and the 2nd respondent / de facto complainant may be permitted to compound the above offence. The parties are identified by their counsel. The parties have signed in the joint memorandum of compromise and the same has been counter signed by their respective counsel. In view of these circumstances and the law laid down by Apex court in Yogendra Yadav’s case (supra), CrI.M.P.Nos.10123 and 10124 of 2016 in CrI.P.No.208 of 2016 and CrI.M.P.No.10134 of 2016 in CrI.P.No.9350/2016 are allowed and the joint memorandums of compromise are made part of this order.

5. The proceedings in FIR/Crime No.258 of 2015 on the file of Police Station, Habeebnagar , Hyderabad, registered against the accused for the offences punishable under Sections 120-B, 420 IPC and Section 107(1) (c) of Trade Mark Act, 1999, are hereby quashed and the criminal petitions are allowed in terms of compromise. No costs.

6. Miscellaneous petitions pending if any, shall stand closed.

AVS

27—06—2016

^[1] 2015 (1) ALD (CrI.) 240 (SC)