

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-1554 of 2016

Date of Decision: 07.10.2016

Rajeev Sharma

...Petitioner(s)

Versus

State of Haryana & others

...Respondent(s)

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

Present:- Mr. Vikas Singh, Advocate
for the petitioner.

Mr. Vishal Garg, Addl.A.G., Haryana.

Mr. Vikram Sharma, Advocate for
Mr. Amit Jhanji, Advocate
for respondent no.3/complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.451 dated 18.8.2015 under Sections 63/65 of the Copyright Act and Sections 409/120-B IPC registered at Police Station DLF, Phase-II, Gurgaon, (Annexure P-1) and consequential proceedings arising therefrom, qua the petitioner, on the basis of compromise/affidavit dated 30.12.2015 (Annexure P-2).

This Court vide order dated 8.8.2016 had directed the parties to appear before the trial Court to get their statements recorded with regard to compromise and the trial Court was directed to submit its report regarding the compromise so effected.

Pursuant to the aforesaid order dated 8.8.2016, the parties have appeared before Chief Judicial Magistrate, Gurgaon and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 28.9.2016 to the effect that the compromise is voluntary and the same has been effected without any pressure or coercion.

The statement of Ajay Singh, respondent no.3/complainant reads as under:-

“Stated that I am the authorized representative of M/s Star India Pvt. Ltd. having its corporate office at Plot No.77, Institutional Area, Sec.32, GGN. FIR No.451/2015 was got registered by me at P.S. DLF Phase-II, GGN on behalf of M/s Star India Pvt. Ltd. In this case, I M/s Star India Pvt. Ltd. have compromised the matter voluntarily and amicably and the settlement between the parties is fair and no claim grievance or difference against Rajiv Sharma is pending. I have marked my presence through my counsel in the Hon’ble High Court of Punjab & Haryana with regard to settlement through advocate Amit Jhanjhi. I do not want to proceed the matter further against Rajiv Sharma. Copy of my Aadhar Card No.697084388177 has been filed by me (original seen and returned).”

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.451 dated 18.8.2015 under Sections 63/65 of the Copyright Act and Sections 409/120-B IPC registered at Police Station DLF, Phase-II, Gurgaon, (Annexure P-1) and consequential proceedings arising therefrom are quashed, *qua* the petitioner, in view of compromise/affidavit dated 30.12.2015 (Annexure P-2).

October 07, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No