

Sr. No.248

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-40817 of 2016 (O&M)

Date of Decision:30.01.2017

Charan Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Rahul Rampal, Advocate,
for the petitioner.

Mr. Varun Sharma, DAG, Punjab,.

Mr. R.S.Bajian, Advocate,
for respondent No.2.

TEJINDER SINGH DHINDSA, J.(ORAL)

Present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.148 dated 28.06.2005, under Section 420 of Indian Penal Code and Sections 102, 103, 115 Trade Mark Act, registered at Police Station Focal Point Ludhiana, District Ludhiana.

Since quashing was sought on the basis of compromise, parties had been directed to appear before the Illaqa Magistrate concerned for recording of their statements in support of the compromise and a report with regard to veracity of the compromise was called for.

Placed on record is a report dated 09.01.2017 of the learned Judicial Magistrate Ist Class, Ludhiana and a perusal of the same would reveal that the statements of the complainant and the accused party have been duly recorded and it has been opined that a compromise has been entered into of their free will and without any pressure.

Mr. R.S. Bajian, Advocate has put in appearance on behalf of respondent No.2 and makes a statement that he would have no objection to the quashing of the FIR in view of the settlement arrived at.

A full Bench of this Court in *Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052* has taken a view that in appropriate cases this Court in exercise of its powers under Section 482 Cr.P.C. can intervene and bring to an end the criminal prosecution in the light of compromise that may have been effected between the parties, even in relation to non-compoundable offences.

In the considered view of this Court, the parties having arrived at a settlement at the initial stage of the trial and during the stage of prosecution evidence being led, it would be a fit case to bring to an end the criminal prosecution initiated in the light of the impugned FIR.

Petition is allowed. FIR No.148 dated 28.06.2005, under Section 420 of Indian Penal Code and Sections 102, 103, 115 Trade Mark Act, registered at Police Station Focal Point Ludhiana, District Ludhiana and all proceedings emanating therefrom stand quashed qua the petitioners.

Disposed of.

30.01.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No