

CRM-M-44209-2017

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-44209-2017

Date of Decision: 18th January, 2018

Pardeep Kumar @ Bobby Tayal & another

...Petitioners

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Diwan S. Adlakha, Advocate
for the petitioners.

Mr. Sharad K. Yadav, DAG, Haryana.

Mr. Vikram Rana, Advocate
for respondent No.2-complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.83 dated 23.04.2017, under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code and Section 78 of Trade & Merchandise Marks Act, 1958, registered at Police Station Sadar Yamunanagar, District Yamunanagar (Annexure P-1) and all subsequent proceedings arising therefrom, in the light of the compromise dated 07.10.2017 (Annexure P-2) entered into between the petitioners and respondent No.2 as well as affidavit dated 06.11.2017 (Annexure P-3) of complainant-respondent No.2.

The case came up for hearing on 21.11.2017 when the

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following order was passed:-

“The petitioners are seeking quashing of FIR No.83 dated 23.04.2017 under Sections 420/467/468/471/8 120-B IPC and Section 78 of Trade & Merchandise Marks Act, 1958, registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar, on the basis of compromise dated 07.10.2017 (Annexure P-2), which has been arrived at between the parties.

Learned counsel for the petitioners contends that the allegations in the FIR are that the petitioners had illegally used the trademark of the complainant. The matter has now been resolved and the parties are conducting their respective businesses peacefully.

Issue notice to the respondents.

Mr. Vikram Rana, Advocate puts in appearance on behalf of respondent No.2 and states that the matter has indeed been compromised.

List on 21.12.2017.

In the meantime, the parties are directed to appear before Illaqa Magistrate/trial Court on 01.12.2017. The Illaqa Magistrate/trial Court shall record their statements with regard to the genuineness of the compromise as to whether the compromise has been effected between the parties without any undue influence or coercion and send the report to this Court before the next date of hearing.”

In pursuance to the above order passed by this Court, parties had appeared before the Judicial Magistrate First Class, Yamuna Nagar at Jagadhari, on 12.12.2017 and got recorded their statements, wherein, they stated that a compromise has been entered into between them. The Court, after recording their statements, opined that the compromise arrived at

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between the parties appears to be genuine, voluntary and without any coercion or undue influence. The dispute was between the two parties alone which now stands settled and it was basically in the nature of civil. With the amicable settlement of the dispute, the matter requires to be given a pleasant burial and it will help in maintaining good relationship in the society.

In the light of the fact that the parties have entered into a compromise and keeping in view the report submitted by the Judicial Magistrate First Class, Yamuna Nagar at Jagadhari as also the principles laid down by the Hon'ble Supreme Court in *Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482* and the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052*, the present petition is allowed. FIR No.83 dated 23.04.2017, under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code and Section 78 of Trade & Merchandise Marks Act, 1958, registered at Police Station Sadar Yamunanagar, District Yamunanagar (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed.

(AUGUSTINE GEORGE MASIH)
JUDGE

18th January, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No