

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28048-2019

Date of Decision: 04.09.2019

Manuj Singla and another

.....Petitioners

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Anand Vardhan Khanna, Advocate, for the petitioners.

Mr. Ramesh Kumar Ambavta, A.A.G., Haryana.

Mr. G.S. Bedi, Advocate,
for respondent no. 2.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to the order dated 12.07.2019, the report of the learned Chief Judicial Magistrate, Jind, dated 31.07.2019, is on record, stating therein to the effect that both the petitioners, as also respondent no. 2, i.e. the complainant in the FIR, as also Sh. Jagat Singh Sorout, Senior Manager (Legal) of the company (that has been impleaded as respondent no. 2), appeared before that Court, and got their statements recorded to the effect that the matter has been compromised between the parties, and as per the assessment of the learned Magistrate, the compromise has been entered into of their own free will.

That being so, also looking at the nature of the offences, the petition is allowed, with FIR No. 286 dated 21.05.2019, registered against the petitioners at Police Station Jind City, District Jind, for the alleged commission of offences punishable under Sections 63 and 65 of the Copyright Act, 1957, Section 420 of the IPC and Sections 103/104 of the Trade Marks Act, 1999, along with all

proceedings emanating therefrom, is hereby quashed.

For the record, it is to be stated that an affidavit of Sh. Dharambir Singh, Deputy Superintendent of Police, City Jind, has been filed on behalf of the respondent-State, stating therein that the petitioners having sold counterfeit stabilizers and having cheated respondent no. 2, with that also being an offence against society, the FIR does not deserve to be quashed.

It has further been stated that offences punishable under Section 307 of the IPC and the Arms Act etc. would fall in the category of serious and heinous offences and therefore are to be treated as crime against the society and criminal proceedings therefore should not be quashed.

As to in what context the said averment has been made in the affidavit, is not understood, because admittedly even as per learned State counsel, no such offence punishable under the aforesaid provision is even stated to be made out in the FIR, which has been registered for the alleged commission of offences as have already been given hereinabove.

As regards the contention that the petitioners having cheated respondent no. 2 and have been selling counterfeit stabilizers, learned State counsel on instructions from the police official who is present in Court to assist him, does not deny that there is no other such FIR registered against them.

That being so, with the complainant himself itself having entered into a compromise with the petitioners, I see no reason for the FIR to be not quashed, in the interest of maintaining peace and harmony.

September 04, 2019
nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE

Yes
No.