

CRM-M-33826-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(287)

CRM-M-33826-2023

Date of Decision:- 11.09.2023

Jaskaran Singh and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jasinder S. Sekhon, Advocate
for the petitioners.

Mr. Anup Singh, DAG, Punjab
for State-respondent No.1.

Mr. Navjeet Singh, Advocate
for respondents No.2 and 3.

SUVIR SEHGAL, J. (Oral)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.28 dated 18.03.2023, registered for offences under Sections 420 and 120-B of the Indian Penal Code, 1860 and Sections 103, 104, 107 and 108 of the Trade Mark Act, 1999 and Section 63 of the Copyright Act, 1957, at Police Station Chamkaur Sahib, District Rupnagar, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 12.04.2023, Annexure P-2, arrived at between the parties.

2. Counsel for the petitioners submits that FIR has been registered on the allegation that the trade mark of bricks, being made by the

complainant, has been misused by the petitioners. He submits that dispute has been amicably settled by compromise, Annexure P-2 and parties have recorded their statements. Still further, by referring to *Xerox* copies of the Aadhar Cards of both the accused-petitioners appended with the paper-book, counsel submits that both the petitioners are adults and the Trial Court in para 5 of the report has inadvertently recorded that the accused is a juvenile.

3. Counsel representing respondents No.2 and 3 does not have any objection in case the criminal proceedings are set aside.

4. Pursuant to order dated 17.07.2023 passed by this Court, report has been received from the Trial Court, relevant extract of which is as under:-

“1. There are only two accused persons namely Sanchit Jaggi and Jaskaran Singh in this case and they have appeared before the Court and made their statements. None of the accused person is declared proclaimed offender in the present case.

2. There is only complainant Jugal Kishore Ahuja who authorized Deepinder Singh Mann and Avtar Singh to get the FIR registered in the present case.

3. The present case is at the stage of investigation and challan is yet to be presented.

4. From the statements of complainants and accused persons, compromise seems to be genuine, voluntary, and without any coercion or undue influence.

5. *No other FIR/criminal case is pending against the juvenile.”*

5. Heard counsel for the parties.

6. In view of the report given by the Trial Court and the judgment of the Supreme Court in *Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543* and a Full Bench of this Court in *Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose and setting them aside would enable the parties to lead a harmonious and peaceful life.

7. Accordingly, the petition is allowed. FIR No.28 dated 18.03.2023, registered for offences under Sections 420 and 120-B of the Indian Penal Code, 1860 and Sections 103, 104, 107 and 108 of the Trade Mark Act, 1999 and Section 63 of the Copyright Act, 1957, at Police Station Chamkaur Sahib, District Rupnagar, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

11.09.2023
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No