

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-56539-2024 (O&M)
Date of Decision: 16.12.2024

KASHMIR HYGIENICS PVT. LTD. AND OTHERS
...PETITIONERS

Versus

STATE OF PUNJAB AND ANR.
... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE N. S. SHEKHAWAT

Present: Mr. Kashish Garg, Advocate
for the applicants-petitioners.

Mr. Deepinder Singh Brar, Sr. DAG, Punjab.

Mr. Himanshu Sharma, Advocate
for respondents No.2.

N. S. SHEKHAWAT, J. (Oral)

CRM-49254-2024

1. The petitioners/applicants have moved the present application under Section 528 of BNSS, 2023 with a prayer to implead the applicants namely Vikas Singla, Rahul Garg and Mohit Gupta as petitioners No.2 to 4. Learned counsel for the petitioners/applicants submits that in fact 3 persons namely Vikas Singla, Rahul Garg and Mohit Gupta were also the directors of the



petitioner company and were arrayed as accused. Consequently, they may be ordered to be impleaded as petitioners No.2 to 4.

2. Learned State counsel as well as learned counsel for the complainant have no objection in case the said officials are impleaded as petitioners Nos.2 to 4.

3. I have heard learned counsel for the parties and perused the record. The application is allowed and Vikas Singla, Rahul Garg and Mohit Gupta are ordered to be impleaded as petitioners No.2 to 4.

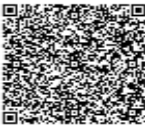
4. The amended memo of parties is taken on record.

MAIN CASE

1. The instant petition has been filed under Section 528 OF B.N.S.S. for quashing of an FIR No.49 dated 27.07.2024 under Section 63 of the Copyright Act, 1957, registered at Police Station Cantt. Bathinda (Annexure P-1) alongwith all the consequential proceedings arising therefrom on the basis of compromise/affidavit dated 05.10.2024 (Annexure P-2).

2. Vide order dated 13.11.2024 while issuing notice of motion, this Court had directed the parties to appear before the Illaqa Magistrate/trial Magistrate for getting their statements recorded with respect to the compromise dated 05.10.2024 (Annexure P-2).

3. Pursuant to aforesaid order, the parties have appeared before the learned Judicial Magistrate 1st Class, Bathinda and got their



statements recorded. Report dated 05.12.2024 has been received whereby after recording the statements of the parties, the Court below has shown its satisfaction that the compromise is genuine, voluntary and without any coercion or undue influence.

4. I have heard counsel for the parties and gone through the case file.

5. In the light of the satisfaction shown by the Court below and considering the offence for which the accused have been charged are not of serious nature, together with the fact that compromise will go a long way in ironing out the differences for betterment of future life of the parties and also in view of the law laid down in **Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and **Kulwinder Singh and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052**, the present petition for quashing the FIR is allowed qua the petitioners.

6. Resultantly, FIR No.49 dated 27.07.2024 under Section 63 of the Copyright Act, 1957, registered at Police Station Cantt. Bathinda (Annexure P-1) alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

16.12.2024
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(N. S. SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No