

(2019) 11 MP CK 0100

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 4802 Of 2018

Sunil Kumar Jain And Others

APPELLANT

Vs

State Of Madhya Pradesh And Another

RESPONDENT

Date of Decision : 14-11-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 427
Copyright Act, 1957 — Section 51, 63
Trademark Act, 1999 — Section 103, 104

Citation : (2019) 11 MP CK 0100

Hon'ble Judges : Anand Pathak, J

Bench : Single Bench

Advocate : R.S. Yadav, Aditya Singh, Rajkumar Joshi

Final Decision : Disposed Of

Judgement

The instant petition under Section 482 of Cr.P.C. has been preferred by the petitioners seeking quashment of the FIR registered vide Crime No.288/2016 at Police Station Thana Kotwali, Lashkar Gwalior under Sections 427, 34 of IPC and Sections 51, 63 of Copyright Act, 1957 and Section 103 and 104 of Trademark Act, 1999 and consequential proceedings thereto.

At the outset, learned counsel for the parties inform this Court that during pendency of this petition, good sense prevailed over the parties and they have entered into settlement. On last occasion i.e. 19/09/2019, both the parties have expressed their desire before this Court to settle the matter, therefore, order dated 19/09/2019 has been passed in which they were referred to the Principal Registrar of this Court for verification of the intents of the application and identity of the parties. Verification report is attached with the file which indicates that petitioners as well as respondent No.2 appeared before the Principal Registrar of this Court and have expressed their intention to settle the matter. Both the parties through their counsel expressed their desire to settle the matter.

Learned counsel for the petitioners informs this Court that in pursuance to the order dated 19/09/2019, Rs.10,000/- has been deposited in favour of Army Central Welfare Fund.

Heard the learned counsel for the parties and perused the record.

A Lean Compromise is better than a Fat Law Suit, instant efforts of the parties indicate the same. It is expected that their bona fide gestures would continue.

The Hon'ble Supreme Court in catena of judgments Jagdish Channa & others Vs. State of Haryana & another, AIR 2008 SC 1968, Madan Mohan Abbot Vs. State of Punjab, AIR 2008 SC 1969, Shiji Vs. Radhika & Another, (2011) 10 SCC 705, Narinder Singh & others Vs. State of Punjab (2014) 6 SCC 466, B.S. Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675, Gian Singh Vs. State of Punjab (2012) 10 SCC 303 and Parbatbhai Ahir alias Parbatbhai Bhimsinhbhai Karmur and others Vs. State of Gujarat and another, (2017) 9 SCC 641, laid down that even in non-compoundable cases on the basis of compromise, criminal proceedings can be quashed so that valuable time of the court can be saved and utilized in other material cases.

Considering the submission of the parties and looking to the fact situation of the case, it appears that continuation of prosecution bears no fruitful purpose and parties have settled the matter peacefully.

Consequently, in the considered opinion of this Court, no fruitful purpose would be served by continuation of the prosecution.

Resultantly, FIR registered vide Crime No.288/2016 registered at Police Station Thana Kotwali, Lashkar, Gwalior under Sections 427, 34 of IPC and Sections 51, 63 of Copyright Act, 1957 and Section 103 and 104 of Trademark Act, 1999 stands quashed and consequential proceedings thereto shall also stand quashed.

Petition stands disposed of in above terms.