
(2011) 03 P&H CK 0728
In the Punjab And Haryana At Chandigarh
Case No : CRM No. M. 37677 of 2010

Sunny Gill and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 22-03-2011

Acts Referred:

Copyright Act, 1957 — Section 37, 51, 52A, 63, 65
Criminal Procedure Code, 1973 (CrPC) — Section 482

Citation : (2011) 03 P&H CK 0728

Hon'ble Judges : Nirmaljit Kaur, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Nirmaljit Kaur, J.—This is a petition u/s 482 Code of Criminal Procedure for quashing of FIR No. 314 dated 19.10.2005 u/s 37, 51, 52-A, 63, 65 and 68 of the Copy Rights Act, 1957, PS Division No. 4, Jalandhar which was got registered by Respondent No. 2 - complainant against the present Petitioners on the basis of the compromise dated 18.12.2010 arrived at between the parties. Copy of the same has been placed on record as Annexure P-1.

2. The complainant is present in Court along with his Counsel. He has also filed his affidavit in Court today, stating therein, that aforesaid FIR was got registered by him. Now, with the intervention of common friends and relatives, the matter has been resolved amicably vide compromise deed dated 18.12.2010.

3. The Full Bench of this Court in the case of Kulwinder Singh and Ors. v. State of Punjab and Anr. 2007(3) RCR (Cri) 1052 has observed as under:

The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power u/s 482 of the Code of Criminal Procedure is used to enhance such a compromise which, in turn, enhances the social amity and reduced friction, then it truly is finest hour of justice. Disputes which have their genesis in a matrimonial discord, landlord-

tenant matters, commercial transactions and other such matters can safely be dealt with by the Court exercising its power u/s 482 of the Code of Criminal Procedure in the event of a compromise, but this is not to say power is limited to such cases. There can never be any such rigid rules to prescribe the exercise of such power.

4. The Apex Court in the case of Madan Mohan Abbot Vs. State of Punjab, emphasised in para No. 6 as follows:

6. We need to emphasize that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law.

5. The said compromise has been arrived at between the parties without any pressure. The complainant has no objection if the said FIR is quashed.

6. Taking into account the allegations, compromise dated 18.12.2010 as well as affidavit dated 22.03.2010 of the complainant, there is no impediment in the way of this Court to quash the present FIR and subsequent proceedings arising out of the same in view of the above said settled proposition of law.

7. Accordingly, the present petition is allowed and FIR No. 314 dated 19.10.2005 u/s 37, 51, 52-A, 63, 65 and 68 of the Copy Rights Act, 1957, PS Division No. 4, Jalandhar and subsequent proceedings arising out of the same are hereby quashed.

8. Allowed in the aforesaid terms.