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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.REV.P. 25/2008**

RHYTHM MUSIC TECHNOLOGY P.LTD. Petitioner

Through: **Mr. Suman Kapoor, Advocate.**

versus

INDIAN MUSIC INDUSTRY & ANR Respondents

Through: **Mr. Pragyan Sharma, Mr. R. Bhatia
and Mr. Santosh Jha, Advocates with
Mr. D. Basu, authorized
representative.**

Mr. Manoj Ohri, APP.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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16.11.2011

Crl. M.A. No. 17941/2011

By this application the Petitioner seeks leave to place on record the memorandum of agreement arrived at between the parties. The same is taken on record.

Application stands disposed of.

Crl. Rev. P. 25/2008

The present revision petition is directed against the order dated 15th December, 2007 passed by the learned Additional Sessions Judge in Criminal Appeal No. 111A/2006 whereby the order passed by the learned

CRL.REV.P. 25/2008

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Signature Not Verified

Digitally Signed By: AMULYA
Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.

Trial Court desecaling the Petitioner's plant and machinery was set aside. During the pendency of the present petition the parties have settled the matter before the Delhi High Court Mediation and Conciliation Centre. In terms of the settlement between the parties the FIR No. 712/2006 registered at PS Dabri under Sections 63/65/68A of the Copy Right Act has to be quashed for which the parties will be filing an appropriate application. Further in terms of the settlement an amount of Rs. 32.50 lakhs has to be paid to the Respondent No. 1 by the Petitioner. Learned counsel for the Petitioner has handed over the Manager Cheque No. 018647 dated 11th November, 2011 drawn on HDFC Bank, Adarsh Nagar, Delhi-33 for an amount of Rs. 32.50 lakhs to Shri D. Basu, the authorized representative of Respondent No. 1. Certified copy of the resolution dated 28th July, 2011 authorizing Shri D. Basu is placed as Annexure -'C' to Crl. M.A. No. 17941/2011. Shri D. Basu, who is identified by the learned counsel for Respondent No. 1 states that in view of the settlement arrived at and the amount of Rs. 32.50 lakhs having been received today, he has no objection if the plant and machinery of the Petitioner are desealed. He states that he will cooperate with the Petitioner for quashing of the FIR registered against the Petitioner and its three Directors namely Sh. Naresh Malhotra, Sh.

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Deepak Malhotra and Sh. Vijay Malhotra mentioned in the memorandum of agreement dated 14th November, 2011. In view of the settlement arrived at between the parties, the impugned order dated 15th December, 2007 is set aside and the order of the learned Metropolitan Magistrate dated 12th September, 2006 is restored. The plant and machinery of the Petitioner is directed to be desealed for being operated by the Petitioner.

Petition is disposed of.

Parties have signed this order sheet in acknowledgment of their statements made before this Court. Order dasti.

Mukta Gupta
MUKTA GUPTA, J.

NOVEMBER 16, 2011
'vn'

Nareesh Malhotra
NAREESH MALHOTRA

Deepak Malhotra
DEEPAK MALHOTRA

*Identified by me -
Suman Kapoor.
Counsel for the Petitioner
D-202/75.*

Recd. D.D. No. 018647.
D. Basal
Resp. No. 1.

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Pragyan Pradip Sharma
for Respondent No. 1
D-130R/1996.
Identified the Respondent No. 2.