

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

Date of Decision: January 13, 2015

+ CRL.M.C. 100/2015 & Crl. M.A. No. 451/2015

SUNIL KUMAR & ORS. Petitioners

Through: Mr. Sanjay Suri, Mr. Rishabh
Relan & Mr. Pathik Bhasin,
Advocates

versus

STATE (DELHI ADMINISTRATION) & ANR. Respondents

Through: Mr. Naveen Sharma, Additional
Public Prosecutor for respondent
No.1-State with Inspector I.K. Jha
Mr. P.N. Diwan, Attorney Holder
of respondent No.2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

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(ORAL)

Quashing of FIR No. 326/2011, under Section 78/79 of the Trade and Merchandise Marks Act, 1958 and Section 63 of the Indian Copy Rights Act, 1957, registered at police station Kotwali, Delhi is sought on the strength of amicable resolution of the dispute between the parties vide Memorandum of Understanding of 8th January, 2015 (*Annexure-B*).

Notice.

Mr. Navin Sharma, learned Additional Public Prosecutor for respondent-State accepts notice and submits that Mr. P.N. Diwan,

Attorney holder of respondent No.2, present in the Court, is the first-informant of the FIR in question. Attorney Holder of second respondent affirms contents of his affidavit and submits that the dispute between the parties stands settled, so proceedings arising out of the FIR in question be brought to an end.

Learned Additional Public Prosecutor for respondent-State on instructions from Inspector I.K. Jha, Investigating Officer of this case, submits that charge sheet for the offence of under Section 420 of the IPC has not been filed.

In '*Gian Singh Vs. State of Punjab*' (2012) 10 SCC 303, Apex Court has recognized the need of amicable resolution of disputes in cases like the instant one, by observing as under:-

“However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings,

justice shall be casualty and ends of justice shall be defeated.”

Since the subject matter of this FIR stands mutually and amicably settled between parties, therefore, continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Accordingly, this petition is allowed subject to cost of ₹50,000/- to be deposited by petitioners with *Prime Minister's Relief Fund* within two weeks from today. Upon placing on record the receipt of cost, FIR No. 326/2011, under Section 78/79 of the Trade and Merchandise Marks Act, 1958 and Section 63 of the Indian Copy Rights Act, 1957, registered at police station Kotwali, Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioners.

This petition and application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 13, 2015

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