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

Delivered on: 13th July, 2015

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CRL.M.C. No. 2745/2015

NARESH JAIN & ORS Petitioners
Represented by: Ms. Rashmi, Advocate

Versus

STATE OF NCT OF DELHI Respondents
Represented by: Mr. Ravi Nayak, Additional
Public Prosecutor for the State
with SI Ram Mehar Dahiya,
DIU/NW District
Mr. Prem Prakash, Advocate
for respondent no. 2

**CORAM:
HON'BLE MR. JUSTICE SURESH KAIT**

SURESH KAIT, J.

Crl. MA No. 9817/2015 (Exemption)

Exemptions allowed subject to all just exceptions.

The application stands disposed of.

Crl. MC 2745/2015

1. By way of this petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioners seek quashing of FIR No. 368/2011 registered at PS-Mukherjee Nagar for the offences punishable under Section 63 of the Copyright Act, 1957, chargesheet no. 55 dated 20.06.2014 and the consequential proceedings

emanating therefrom against the petitioners pending before the trial Court.

2. Learned Counsel appearing on behalf of the petitioners submits that the aforesaid case was registered on the complaint of respondent No.2 who has now settled the dispute with the petitioners and does not wish to pursue the case further.

3. Learned Additional Public Prosecutor appearing on behalf of the State submits that after investigation, the case is pending for framing of charges. He further submits that since respondent no. 2 has settled the dispute with the petitioners and does not wish to come forward to support prosecution, therefore, the State has no objection if the present petition is allowed.

4. Mr. Ravi Nayak, learned Additional Public Prosecutor further submits that due to the offences committed by the petitioners, the Government machinery came into motion for investigating the case, filing of the charge sheet and framing of charges. Precious public time of this Court has also been consumed in this process. If this Court is inclined to quash the aforementioned FIR, then this Court may impose heavy costs upon the petitioners. The minimum fine prescribed under Section 63 of the Copyrights Act, 1957 is Rs. 50,000/- which may extend to Rs. 2 lakhs.

5. Respondent No. 2 is personally present in the Court along with his counsel. Learned counsel for respondent no. 2 on instructions, submits that the respondent no. 2 has compromised the matter with

the petitioners and does not want to pursue the case further against them and has prayed to allow the present petition.

6. Keeping in view the settlement arrived at between the parties and the statements of counsel for respondent no. 2 and learned Additional Public Prosecutor, I hereby quash the aforesaid FIR No. 368/2011 registered at PS-Mukherjee Nagar for the offences punishable under Section 63 of the Copyright Act, 1957 on 17.09.2011, charge sheet no. 55 dated 20.06.2014 and the consequential proceedings emanating therefrom against the petitioners pending before the trial Court.

7. I find force in the submissions of ld. APP. Keeping in view the punishment in the offence, I hereby allow the present petition with costs of Rs. 25,000/- each by both the petitioners to be deposited with the Delhi Police Martyrs fund within a period of two weeks from today.

8. The receipt of the payment to be placed on Court record with information to the IO concerned.

9. Consequently, FIR No. 368/2011 registered at PS-Mukherjee Nagar for the offences punishable under Section 63 of the Copyright Act, 1957 on 17.09.2011, charge sheet no. 55 dated 20.06.2014 and the consequential proceedings emanating therefrom are hereby quashed.

10. The present petition is allowed with the above directions.

11. Copy of this order be given dasti to counsel for the parties.

**SURESH KAIT
(JUDGE)**

JULY 13, 2015
Sd/RS