

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.10047 of 2015

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioners/A-1 to A-3 in Crime No.863 of 2015 of Jeedimetla Police Station, Cyberabad, registered for the offences punishable under Sections 415, 420, 483, 485, 486, 487 and 120-B IPC and Section 63 of the Copy Right Act.

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

Admittedly, a case in Crime No.863 of 2015 was registered for the alleged offences on a reference of private complaint being made by the concerned Court under Section 156 (3) Cr.P.C. In the complaint, it is alleged that the 2nd respondent/de facto complainant running a business in the name of M/s. Teja Papers and Plastics and doing business of manufacturing and marketing various products like disposable items and is having a trade mark as TEJA in respect of all its products. It is alleged that the complainant came to know that the accused are using exactly similar mark consisting of label and device of the picture, which is completely same as that of the complainant and the petitioners/accused are also doing business in similar products as that of the complainant and have deliberately copied the mark and using the same on their products and cheating the public by saying that the goods of them are as that of the complainant.

Even the allegations of the complaint are taken at their

face value and accepted in its entirety, prima facie, constitute the offences, much less the alleged offences, the truth or otherwise of which can be necessarily ascertained during the course of investigation. Whether the petitioners have committed the alleged offences or not, is a matter to be decided during the course of investigation and the same cannot be decided at the threshold.

Having regard to the facts and circumstances of the case and in view of nature of the offences alleged are serious in nature, this Court is of the view that it is not a fit case to quash the proceedings. However, the police of Jeedimetla police station are directed to complete the investigation and file final report, if any, before the concerned Court in accordance with law. On filing of such final report, if the petitioners are aggrieved by the said final report, they are at liberty to approach appropriate forum for seeking appropriate relief.

Accordingly, the criminal petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 10-03-2016

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