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

+ CRL.M.C. 4434/2016

PANKAJ GUPTA & ORS.

..... Petitioner

Represented by: Mr. Naushad Alam, Adv. with
petitioners.

versus

STATE & ANR.

..... Respondent

Represented by: Mr. Amit Ahlawat, APP with
SI Yogendra Kumar, PS EOW.,
Mr. Akash Kakade, Adv.for R-
2 with Mr. Amit Vadnagara,
AR of R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

21.02.2017

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By this petition, the petitioners Pankaj Gupta, Ashwani Kumar, Jagdish and Subhash @ Bharatvir Goswami seek quashing of FIR No.174/2005 under Sections 103/104 of the Trade Marks Act registered at PS Kashmere Gate on the complaint of respondent No.2 and the proceedings pursuant thereto as the parties have settled the matter.

Learned APP for the State on instructions submits that the above noted FIR was registered against the four petitioners and there are no other accused and complainant except the petitioners and respondent No.2.

Mr. Amit Vadnagara, authorised representative of Respondent No.2 has placed on record a copy of the resolution passed by the Board of Directors at its meeting held on 12th February, 2016 authorising Mr.Amit Vadnagara to make statement on behalf of respondent No.2 at page 64 of the paper book. Mr. Amit Vadnagara who is present in Court and identified by

learned counsel states that respondent No.2 has settled the matter with the petitioners vide memorandum of understanding dated 2nd May, 2016 copy of which is annexed at pages 61 to 63 of the paper book. In terms of settlement, the petitioners have accepted that they have no authority to use the trademark of respondent No.2 (SKF) and unless authorised by the complainant/respondent No.2 they will not sell the counterfeit product of respondent No.2. Mr. Amit Vadnagara states that in terms of settlement, respondent No.2 does not wish to pursue the above noted FIR and the proceedings pursuant thereto against the petitioners. The petitioners who are present in Court and identified by learned counsel affirm the statement of Mr. Amit Vadnagara and state that they will abide by the terms of settlement.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would be an abuse of process of the Court, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No.174/2005 under Sections 103/104 of the Trade Marks Act registered at PS Kashmere Gate, Delhi and proceedings pursuant thereto are hereby quashed.

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

The petition is disposed of. Order dasti.

MUKTA GUPTA, J.

FEBRUARY 21, 2017/‘v mittal’