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

+ **W.P.(CRL) 1537/2017**

SHAKEEL AHMED & ANR Petitioner

Through: **Mr.S.Tabrez, Adv.**

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: **Ms.Richa Kapoor, ASC.**
SI Pravin Kumar, DIU/SED.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **22.05.2017**

CrI.M.A.8585/2017

Exemption allowed, subject to all just exceptions.

Application is disposed of.

W.P.(CRL) 1537/2017

The petitioners have sought quashing of FIR No.20/2017 dated 18.01.2017 (P.S.Okhla Industrial Area) instituted for the offences under Sections 63/63B of the Copyright Act, 1957.

The petitioners were alleged to have been using pirated CD of the respondent No.2.

The petitioners submit that they were absolutely unaware of such use and when they realized that the copyright belonged to the respondent No.2, both the petitioners paid Rs.2,50,000/- each for taking the license of the CD. There has been a settlement between the parties.

Taking into account the aforesaid facts which clearly displays the bonafides of the petitioners, this Court has been persuaded to quash the first information report.

In ***Gian Singh vs. State of Punjab & Another, (2012) 10 SCC 303***, the Supreme Court has held that cases which are not compoundable under Section 320 of the Cr.P.C. could also be quashed, when continuation of any criminal proceeding would be an exercise in futility and where justice demands that the dispute between the parties should be put to an end and peace is restored. But ending of such criminal proceedings could only be ordered for securing the ends of justice.

The Supreme Court has further observed in *Gian Singh vs. State of Punjab & Another (Supra)*:

“58..... No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. 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. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.”
[Refer to B.S. Joshi, (2003) 4 SCC 675; Nikhil Merchant, (2008) 9 SCC 677 and Manoj Sharma, (2008) 16 SCC 1.]

Thus, the inherent powers of the High Court, having a wide plenitude could be used for quashing the FIR for securing the ends of justice and to prevent the abuse of the process of the court.

For the aforesaid facts, the FIR No.20/2017 dated 18.01.2017 (P.S.Okhla Industrial Area) instituted for the offences under Sections 63/63B of the Copyright Act, 1957 and all other proceedings emanating therefrom are quashed.

The petition is disposed of in terms of the above.

The computers which were seized by the police during investigation be released to the petitioners.

ASHUTOSH KUMAR, J

MAY 22, 2017/k