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

+ **CRL.M.C. 16/2017**

PANKAJ KHEMKA @ PANKAJ KUMAR & ORS..... Petitioners

Represented by: Mr. S.P. Sharma, Advocate
with petitioners in person.

versus

STATE (GOVT. OF CNT OF DELHI) & ANR. Respondents

Represented by: Ms. Rajni Gupta, APP for the
State with SI Sri Bhagwan, PS
Lahori Gate.
Mr. Mohd. Wasim Khan,
Advocate for respondent No.2
with respondent No.2 in
person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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04.01.2017

Crl. M.A. No. 118/2017 (Exemption)

Allowed, subject to all just exceptions.

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By the present petition the petitioners seek quashing of FIR No. 49/2012 under Sections 103/104 Trade Marks Act, 63/65 Copyright Act r/w Sections 420/465/466/471/486/487/120B IPC registered at PS Lahori Gate, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned APP for the State on instructions from the Investigating Officer submits that on the complaint of Ashok Bhartwal, Manager Legal

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and Authorised Representative of M/s J.K. Tyre & Industries Ltd., whose trademark and copyright had been allegedly violated, the charge sheet was filed against the three petitioners, that is, Pankaj Khemka @ Pankaj Kumar, Proprietor of M/s Pankaj Tyre, petitioner No.1, Daljeet Singh, Proprietor of M/s Daljit Tyre, petitioner No.2 and Rajesh Malhotra, Proprietor of M/s Malhotra Tyre, petitioner No. 3 wrongly mentioned as petitioner No.2 in the memo of parties.

The respondent No.2 Ashok Bhartwal is present in Court and is identified by the learned counsel and the Investigating Officer. Copy of the authorisation in his favour has been filed at pages 74 and 75 of the paper book. Moreover the above noted FIR was also lodged by Ashok Bhartwal in the representative capacity as noted above. Respondent No. 2 states that he has settled the matter with the petitioners in terms of the settlement dated 26th September, 2016 arrived at before the Delhi Mediation Centre, Tis Hazari Courts, after the petitioners have undertaken not to use either the trademark or the copyright of the respondent No.2 in future. Respondent No.2 on behalf of M/s J.K. Tyre & Industries Ltd. states that he does not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2 and state that they will abide by the terms of the settlement dated 26th September, 2016 arrived at between the parties before the Delhi Mediation Centre, Tis Hazari Courts, Delhi.

Since the parties have settled the matter amicably of their own free

will, volition and without any coercion, no useful purpose will be served in continuance of the proceedings. There is no legal impediment in quashing the FIR in question. It would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

Consequently, FIR No. 49/2012 under Sections 103/104 Trade Marks Act, 63/65 Copyright Act r/w Sections 420/465/466/471/486/487/120B IPC registered at PS Lahori Gate, Delhi and proceedings pursuant thereto are hereby quashed subject to the each of the petitioners depositing a sum of ₹25,000/- with the Juvenile Justice Fund maintained by the Registrar General of this Court within four weeks.

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.

JANUARY 04, 2017
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