

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3707 OF 2013**

M/s Aditya Birla Retail Ltd. & Ors

..Petitioners

Vs.

The State of Maharashtra & Ors.

..Respondents

Mr. S. R. Page for the Petitioners

Mrs. A. S. Pai Additional PP for the Respondent State

Mr. A. G. Menon for the Respondent Nos.2 and 3

**CORAM :R. M. SAVANT, &
SANDEEP K SHINDE,JJ**

DATE : 10th JANUARY, 2018

P.C.

1 The above Criminal Writ Petition has been filed for quashing of the FIR registered with the Kapurbawadi Police station for the offences punishable under Sections 63 and 63 of the Copy Rights Act 1956, Sections 103 and 104 of the Trade Mark Act, 1999 and Section 420 of the Indian Penal Code, 1860.

2 The FIR was registered as a consequence of the dispute between the Respondent No.3 and the Petitioners in respect of the Petitioners dealing with the products of the Respondent No.3 i.e. Tele Brand India Ltd. On behalf of the Respondent No.3, the Respondent No.2 has filed an affidavit dated 5-9-2013 which is annexed to the above Writ Petition as Exhibit B. In the context of the relief sought in the above Writ Petition, paragraphs 3 and 4 of the said Affidavit are material and are reproduced hereinunder:

3 The Petitioners have agreed that they shall not deal in the products of Telebrands India Pvt Ltd., without the prior written permission from Telebrands India Pvt Ltd in any manner which would violate the Trade Marks Act or Copy Rights Act. The Petitioners have agreed to withdraw the TM-26 Rectification Application vide L.No.P/11 dated 20-6-2013 at Trade Mark Authority, forthwith on quashing of the FIR and case.

4 In the circumstances, the Respondent No.2 has no objection for quashing FIR 03 under Section 63, 65 of Copyrights Act, 1956, Sections 103 and 104 of the Trade Marks Act, 1999 and 420 of IPC at Kapurbawdi Police Station, qua the Petitioner-Aditya Birla Retail Ltd., and their officials.

A reading of the said paragraphs therefore discloses the settlement arrived at between the parties as a consequence of which the parties are to do certain acts which are mentioned in the said paragraphs.

3 The Respondent No.2 Umesh Chauhan is personally present in Court. He is identified by the Learned Counsel Mr. Anil Menon. He is also identified by his Adharcad bearing No.994430687704. The Learned Counsel Mr. Menon has also tendered the authority letter given to the Respondent No.2 by the Respondent No.3 which is signed by the Managing Director of the Respondent No.3, Mr. Hitesh Israni, in which the Respondent No.2 has been given an authority to give his consent for quashing the FIR in the above Writ

Petition. When put in the box and queried, he states that the affidavit annexed at Exhibit B is affirmed by him and he reiterates what has been stated in the said affidavit.

4 On behalf of the Petitioner No.1 Gopal Naik Legal Head is personally present in Court. He is identified by the Learned Counsel Mr Page. He is also identified by his Driving Licence bearing No.MH03-20100056700 dated 28-05-2010 valid till 27-05-2020. When put in the box and queried he states that the parties have amicably resolved their dispute as a consequence of which the Petitioners have agreed to withdraw the application being T.M.26 before the Trade Marks Authority. The affidavit filed by the Respondent No.2 at Exhibit B as also statements made by the Respondent No.2 as well as the representative of the Petitioner No.1 unequivocally indicate that the parties have settled their dispute in terms of what has been stated in the affidavit of the Respondent No.2.

4 Having regard to the judgments of the Apex Court in the matter of **Gian Singh Vs. State of Punjab & Anr.**¹ and **Narinder Singh & Ors. Vs. State of Punjab & Anr**², there is no impediment in allowing the above Criminal Writ Petition. No useful purpose would be served in keeping the above proceedings pending, the above Criminal Writ Petition is accordingly allowed and made

1 (2012) 10 Supreme Court Cases 303

2 2014 AIR scw 2065

absolute in terms of prayer clause (b). The above Criminal Writ Petition is accordingly disposed of.

5 The Authority Letter dated 12-12-2017 is taken on record and marked as “X” for identification.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]