



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.16085 of 2018

and

CrI.M.P.(MD).No.7134 of 2018

K.Sundaresan

.. Petitioner

Vs

1.State Rep by
The Inspector of Police,
Intellectual Property Enforcement Cell,
Tirunelveli.

2.Paramasivam

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records pursuant to the proceedings in Crime No.134/2018 pending on the file of the respondent police and quash the same as against this petitioner.

For Petitioner : Mr.Porkodi Karnan

For Respondents: M/s.S.Bharathi

Government Advocate(CrI.Side)for R1

M/s.B.Prasanna Vinoth for R2

ORDER

This Criminal Original Petition has been filed to quash the FIR pending on the file of the first respondent police in Cr.No.134 of 2018.

2.The FIR came to be registered based on the complaint given by the second respondent. The FIR has been registered for an offence under Sections 51 and 65 of the Copy Right Act and also Section 10, 15(3) of The Tamilnadu Exhb. of Film on TV - VCR & Cable TV (Regulation) Act 1984 and also for the offences under Sections 3 and 16 of the Cable Television Network Registration Act, 1995.

3.The sum and substance of the complaint is that the petitioner has been telecasting the paid channels by violating the provisions of various guidelines and committed offences under the provisions mentioned above.



4.This Court is of the considered view that the sum and substance of the allegation will clearly fall within the provisions of the Cable Television Network (Regulation) Act 1995. Any offence committed under this Act can only be taken cognizance by the Court by way of private complaint made in writing by the authorised officer. The authorised officer is also defined under Section 2(a) of the Act. Admittedly, the second respondent does not fall within this definition. That apart the complaint has been registered as an FIR and therefore, the first respondent police also lack jurisdiction to investigate this case.

5.The learned counsel appearing for the second respondent would submit that liberty may be granted to the second respondent to work out his remedy in accordance with the provisions of the Cable Television Network (Regulation) Act 1995.

6.Considering the facts and circumstances of the case, the FIR registered in Crime No.134 of 2018 on the file of the first respondent is hereby quashed. The second respondent is given liberty to work out his remedy in accordance with the provisions of the Cable Television Network (Regulation) Act 1995. The order passed in this Criminal Original Petition will not stand in the way of the second respondent to raise all his contentions before the appropriate authority and pursue his remedy in accordance with the above said enactments. The second respondent can also pursue his remedy insofar as the other offences are concerned independently in accordance with law.

7.Accordingly this Criminal Original Petition is allowed with the above direction. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS-III)

To

1. The Inspector of Police,
Intellectual Property Enforcement Cell,
Tirunelveli.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



+ 1 CC TO M/s.B.PRASANNA VINOTH , ADVOCATE IN SR NO.85116
+ 1 CC TO M/s.POLAR LEGAL SOLUTION,IN SR NO.84795

TM மேலாட்சி

BU/RP/SAR-III : 10.10.2018 : 3P/5C

CRL.O.P. (MD) No.16085 of 2018
18.09.2018