

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM M No.12217 of 2017 (O&M)
Date of Decision:31.07.2018.

M/S Aggarwal Industries through its proprietor Surender Kumar

..Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Rakesh Nehra, Advocate
for the petitioner.

Mr. Ashok Muthreja, DAG, Haryana.

Mr. V.K. Puri, Advocate for
Mr. Manoj Kumar, Advocate for
respondent Nos.2 to 4.

RAJ SHEKHAR ATTRI J. (ORAL)

Petition has been filed under Section 482 Cr.P.C. for quashing of the impugned order dated 21.03.2017 vide which the learned Additional Sessions Judge, Jind has stayed the operation of order dated 17.03.2017, passed by learned Additional Chief Judicial Magistrate, Jind.

Brief facts of the case are that the present petitioner filed a complaint dated 17.03.2017 under Section 156(3) Cr.P.C. for direction to the Police Station, City Jind for registration of FIR against respondent Nos.2 to 4 under Sections 420 IPC and 107(2) Trade Mark Act, 1999 wherein it has been mentioned that the case pertains to infringement of trade mark by accused by manufacturing Sanitary Napkins etc. under the name and style of Soft Free which is a registered Trade Mark of complainant.

Learned Trial Court directed the police to register FIR in the matter and carry out the investigation vide order dated 17.03.2017. In compliance of the order dated 17.03.2017, FIR No.260 dated 20.03.2017, for the offence punishable under Section 420 IPC and Section 107(2) of Trade Marks Act, 1999 was registered at Police Station City Jind against respondents No.2 to 4.

Counsel for the petitioner submits that order dated 17.03.2017 passed by Additional Chief Judicial Magistrate, Jind has been challenged before the Court of Additional Sessions Judge, Jind by respondent No.4 and operation of order dated 17.03.2017 was stayed by the learned Additional Sessions Judge, Jind, vide impugned order dated 21.03.2017.

Learned counsel for the petitioner further submits that revision petition is pending before the Additional Sessions Judge, Jind.

In view of aforesaid facts and circumstances, petition is disposed of with a direction to the Additional Sessions Judge, Jind to conclude the matter within a period of 30 days from the date of receipt of a certified copy of this order.

Petition disposed of.

(RAJ SHEKHAR ATTRI)
JUDGE

31.07.2018
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whether speaking/reasoned
whether reportable

Yes/No
Yes/No