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CRM-M No. 16947 of 2018 (O&M)

Date of decision:25.04.2018

Mr. Harjeet Singh Bhamra and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Jaspreet Singh Rai, Advocate and
Mr. Saurabh Dalal, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for quashing of the FIR No. 52 dated 23.02.2018 under Section 63 of Copyright Act, 1957 and Sections 419, 420, 468, 471 of the IPC, registered at Police Station, Division 8, Jalandhar, Punjab.

Counsel for the petitioners submits that before registration of the FIR, the complainant- M/s Sant Valves Private Limited, Jalandhar has filed a civil suit for permanent injunction against the M/s Sant Industrial Corporation Private Limited, New Delhi with the allegation that the petitioners/accused persons are misusing the trademark SANT and the said suit is pending. It is further submitted that no injunction has been granted so far in the said suit.

Counsel for the petitioners further submits that the complainant has also filed a petition before the Intellectual Property Appellate Board, New Delhi with a similar prayer and the same is also pending and therefore, the registration of the FIR is nothing but misuse of the process of law. Counsel for the petitioners also submits that the police is still investigating the matter and the challan under Section 173 Cr.P.C has not been presented

as the FIR is registered in February 2018.

Counsel for the petitioners has further submitted that in pursuance to a notice given by the police for joining the investigation, the petitioners have already appeared and handed over all the requisite documents to the investigating Officer and the investigation is still going on.

Since the petitioners have filed the present petition immediately after registration of the FIR and even before completion of the investigation by the police, the same is pre-mature as it is own case of the petitioners that in pursuance to a notice given by the police, the petitioners have appeared and submitted all the documents.

In view of the above, this petition is dismissed as premature. However, it will be open for the petitioners to file a fresh petition after submitting the report under Section 173 Cr.P.C. before the Illaqa Magistrate by the police.

(ARVIND SINGH SANGWAN)
JUDGE

25.04.2018

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Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No