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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(CRL) 2583/2014, CRL.M.A. 20142/2014 – INTERIM RELIEF,
CRL.M.A. 2388/2015 – FOR ADDL. FACTS, CRL.M.A.
14403/2017 – FOR DIRECTIONS
HAVELLS INDIA LTD & ANR Petitioner

Through: Mr. Ajay Kumar Tandon with Mr. Lalit
Gupta, Ms. Abhisar Bairagi, Mr. Himanshu
Dubey, Ms. Surati Jain and Mr. Shantanu Singh,
Advs.

versus

COMMISSIONER OF POLICE, DELHI & ORS. Respondent

Through: Mr. Rahul Mehra, Standing Counsel,
Govt. of NCTD with Mr. Jamal Akhtar, Mr.

Chaitanya Gosain and Mr. Tushar Sannu, Advs.

Inspector Yogendra Kumar, EOW, with SI
Raghvendra DIU/NE, ASI Shripal Singh,
DIU/East.

Mr. Ajay Digpaul, CGSC with Ms. Madhuri
Dhingra, Adv. for R-9.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% 19.11.2018

CRL.M.A.14403/2017 (for directions)

It is the petitioner's grievance that his complaint apropos breach of intellectual property rights, passing off and other offences under the IPC has not been comprehensively looked into by the Delhi Police. The learned counsel refers to the complaint made in May, 2017.

Mr.Rahul Mehra, the learned Standing Counsel for the Govt. of NCT of Delhi submits that the matter has been looked into and thus far no criminal offence is discerned in terms of the complaint. He refers to the Status Report dated 11.10.2017 which records inter alia:

“During investigation of the case all three accused persons were arrested and released on bail. Statements of the witnesses were recorded. Seized case property was produced before the Hon’ble concerned court as per provision of Copy Right Act. There was no record or complaint regarding circulation of the printed material in market. The allegations of any wrongful gain obtained by the accused persons could not be substantiated till now. No complaint has been received from any public person regarding supply/selling of the fake/forged material in the name of Havells India Ltd. by the accused persons. Hence, Section 420 IPC is not added in the case.”

He submits that, nevertheless, the matter shall be further looked into again and if elements of cheating are made out, a case in the said section and other sections of the IPC would be added and if required, an additional Charge-sheet would be filed.

In the aforesaid circumstances, the Authorized Representative of the petitioner will appear before the DCP (Legal Cell), Headquarters in the forenoon on 28.11.2018 to apprise him of his case. The latter will issue such directions as he/she may deem appropriate with intimation to the petitioner.

Should the petitioner still have any grievances, it will be open to them to take remedies, as may be available to them, in law.

The application is disposed off in the above terms.

W.P.(CRL) 2583/2014

Prayer (d) of this petition seeks the following relief:

“d) A direction to the Central Government to consider taking concrete steps, to strictly deal with

those who counterfeit electrical products and provide for measures to prevent counterfeiting of electrical products that lead to significant public safety and health issues.”

On 1.07.2017, Mr. Ajay Digpaul, the learned Standing Counsel for the Central Government had stated that the Union of India does not wish to file an affidavit in view of the circumstance that they are duty bound to enforce and implement the law in relation to the present lis.

What the prayer seeks is formulation of the legislative policy making the offence of counterfeiting non-bailable as it earlier was under section 63 of the Copyright Act, 1957.

Mr. Digpaul submits that there are enough provision in law to deal with the situation as mentioned in the aforesaid prayer and the Government of India is duty bound to do so. In view of the above, no further orders would be required apropos the said relief.

The learned counsel for the petitioner states that the issue raised by him has wide ramifications apropos public safety. Therefore, he would like not to press this relief in this petition and would like to agitate it in appropriate proceedings. Hence, he seeks leave and liberty to do so. Accordingly, prayer (d) is dismissed as not pressed. Liberty granted.

In view of the above, now nothing remains in the petition. It is accordingly disposed off.

A copy of this order be given dasti to the petitioner, under the signature of the Court Master.

NAJMI WAZIRI, J

NOVEMBER 19, 2018/acm