

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: March 29, 2019

+ **CRL.M.C. 1677/2019**

RAM BRIJ SAGAR & ANR

.....Petitioners

Through: Mr. Manish Kr. Pratihast & Mr.
Rajesh Sharma, Advocates

Versus

THE STATE & ANR

.....Respondents

Through: Mr. M.S. Oberoi, Additional
Public Prosecutor for State with SI
Raju Yadav
Mr. Shourya Garg, Advocate for
Respondent No. 2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL)

Quashing of FIR No. 1598/2004, under Sections 102/103/104 of *Trade Mark Act*, 1999 and Section 63 of Copyright Act, 1957 registered at police station Sultan Puri, Delhi is sought on the basis of settlement agreement of 20th October, 2018 (*Annexure-B*) reached between the parties.

Mr. Shourya Garg, Advocate appears on behalf of respondent No. 2 and submits that he has instructions to state that settlement agreement of 20th October, 2018 (*Annexure-B*) has been fully acted upon and there is no objection to quash the FIR in question and so, the proceedings arising out of the FIR in question be brought to an end.

Supreme Court in *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Vs. State of Gujarat* (2017) 9 SCC 641 has reiterated the parameters for exercising inherent jurisdiction under Section 482 Cr.P.C. for quashing of FIR / criminal complaint, which are as under:-

“16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice;”.

Since the dispute between the parties has been amicably resolved, therefore, continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Accordingly, this petition is allowed subject to costs of ₹10,000/- to be deposited by petitioners with *Prime Minister's National Relief Fund* within a week from today. Upon placing on record the proof of deposit of costs within a week thereafter and handing over its copy to the Investigating Officer, FIR No. 1598/2004, under Sections 102/103/104 of *Trade Mark Act, 1999* and Section 63 of *Copyright Act, 1957* registered at police station Sultan Puri, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

This petition is accordingly disposed of.

Dasti.

**(SUNIL GAUR)
JUDGE**

MARCH 29, 2019

p'ma