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

+ W.P.(CRL) 2089/2018 and CrI.M.A. 12617/2018

POONAM TANDON & ORS

..... Petitioner

Represented by: Mr. Simran Jyoti Singh, Adv.

versus

THE STATE & ANR

..... Respondent

Represented by: Ms. Nandita Rao, ASC with SI
Inderjeet PS DIU (South) SI VISHAL
Tiwari PS Ambedkar Nagar.
Mr. S.K. Bansal, Mr. Avi Bhandari,
Mr. Kapil Kr. Giri, Adv. for R-2 & 3
with Mr. Kashi Ram Proprietor.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

23.01.2019

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By the present petition, the petitioners seek quashing of FIR No. 487/2017 under Section 63 of the Copyright Act, and Section 103/104 of the Trademark Act read with Section 420 IPC registered at PS Ambedkar Nagar, Delhi on the ground that the parties have settled the matter.

Learned Additional Standing Counsel for the State on instructions from Investigating Officer submits that in the above-noted FIR the three petitioners are the accused and respondent No.3/ Pankaj Kumar the authorized representative of complainant/ proprietorship firm namely M/s. Teleshop Teleshopping whose sole proprietor is Shri Kashi Ram.

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Since the matter was prolonging for a number of dates and the authorized representative of complainant M/s. Teleshop Teleshopping was not in a position to make any proper statement, this Court was constrained to direct kashi Ram, proprietor to be personally present in this Court vide order dated 8th January, 2019. When on 10th January, 2019 Kashi Ram failed to appear, this Court issued bailable warrants against him to be executed by the SHO concerned returnable for today. Though the bailable warrants were avoided, however Kashi Ram the sole proprietor of Teleshop Teleshopping, proprietorship concern is present in Court and is identified by the learned counsel and the investigating officer. Thus, the presence of the authorised representatives of the proprietorship concern is dispensed with and statement of Mr. Kashi Ram itself is being recorded.

Mr. Kashi Ram, proprietor of M/s. Teleshop Teleshopping states that after the registration of above-noted FIR, he has settled the matter with the petitioners through the power of attorney vide the settlement agreement dated 28th February, 2018, however since certain compliances were yet to be made the above-noted FIR could not be quashed till date. He states that as on today 31 domain names stand transferred to him by the petitioners. Petitioners have stated that they have no control over two domain names i.e. www.originalairbra.in and www.hanumanchalisayantra.in. Thus, he accepts this statement of petitioners who have further stated that they will not ever deal with these two domain names. He further states that as part of the holistic settlement with the petitioners he will withdraw the two FIRs registered by him being FIR No. 425/2017 at PS Gurgaon and FIR No. 0352/2017 at PS Vaishali Nagar, Jaipur qua the petitioners as they are also

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accused therein even if the said FIR proceed against the other accused. In case legally required and a quashing petition is required to be filed in the said FIRs against the petitioners, Mr. Kashi Ram states that he would cooperate in the quashing of the said two FIRs against the petitioners and would not take any precipitative action henceforth against the petitioners herein in relation to the two FIRs. He further states that the petitioners having agreed to withdraw/ deemed to withdraw all their complaints of harassment against his authorized representatives, he does not wish to pursue the above-noted FIR and the proceedings pursuant thereto, as all terms of settlement arrived at between the parties vide the settlement agreement dated 28th February, 2018 copy whereof is annexed as Annexure 2 stand complied with. He undertakes to abide by the terms of settlement arrived at between the parties.

Petitioners who are present in Court and are identified by the learned counsel affirm the statement of Mr. Kashi Ram, sole proprietor of M/s. Teleshop Teleshopping. They state that they withdraw all their allegations against the authorized representatives of the proprietorship firm M/s. Teleshop Teleshopping. They also undertake not to deal in any manner with the two domain names as noted above on which they have no control. They further state that in case pursuant to the assignment deed dated 8th January, 2019 of the Trademarks any cooperation is required in regard to the assignment to Mr. Kashi Ram in the Trademark Office, they would cooperate with Mr. Kashi Ram. The petitioners further undertake to abide by the terms of settlement arrived at between the parties.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, and it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 487/2017 under Section 63 of the Copyright Act, and Section 103/104 of the Trademark Act read with Section 420 IPC registered at PS Ambedkar Nagar, Delhi and proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition and application are disposed of. Order dasti.

MUKTA GUPTA, J.

JANUARY 23, 2019
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