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

+ **CRL.M.C. 1179/2020**

INDER SAIN DUA & ANR.

..... Petitioners

Through: Mr. Manu Nayar, Advocate with Mr.
Chetanya Kakar & Ms. Meenakshi Bhatia,
Advocates with petitioners in person

Versus

STATE & ANR.

..... Respondents

Through: Mr. Mukesh Kumar, APP for State with
SI Hansa Ram

Mr. Sameer Nandwani, Advocate with respondent
No. 2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **02.03.2020**

CRL.M.A. 4597/2020 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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1. The present proceedings are instituted seeking quashing of FIR No. 29/2007 under Section 63 of Copyright Act, Sections 103 and 104 of Trade Mark Act and Section 420 IPC, registered at Police Station Sadar Bazar, Delhi on the ground of settlement having been arrived at between the parties.
2. As per the case of the prosecution, the present FIR has been filed by respondent No.2 against the present petitioners, who deceptively used the registered trademark of respondent No.2 to sell the same product which is being sold by respondent No.2.

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3. Learned APP for the State, submits that the charge sheet in the present case has been filed under the aforesaid sections against the petitioners and respondent no.2 is the only complainant/victim.
4. Learned counsel for the petitioners submits that the petitioners and respondent no.2 have entered into a settlement vide compromise deed on 05.09.2016. A copy of the same is annexed with the petition. In terms of the settlement, respondent No. 2 is now left with no claim whatsoever against the petitioners.
5. The petitioners and respondent no.2 who are present in person are identified by their respective counsels as well as by the Investigating Officer.
6. Respondent no. 2 states that he has entered into the settlement with the petitioners out of his own free will, volition and without any undue force, pressure or coercion. He further states that he has no objection if the present FIR and consequent proceedings are quashed.
7. Learned counsels for the parties submit that no other proceedings are pending between the parties.
8. The parties shall remain bound by their statements made in Court today.
9. In view of the settlement arrived at between the parties voluntarily, in my view, no useful purpose will be served in continuance of the present criminal proceedings. Accordingly, in the interest of justice, aforesaid FIR and the consequent proceedings emanating therefrom are hereby quashed, subject to costs of Rs.10,000/- to be deposited with '*Delhi High Court Legal Services Committee*' by the petitioners within a period of one week from
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today. Receipt evidencing deposit of costs be filed in the Registry as well as with the Investigating Officer.

10. With the above directions, the petition is disposed of.

11. Order *dasti* to the counsels for the parties.

MANOJ KUMAR OHRI, J

MARCH 02, 2020/p'ma