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

+ **W.P.(CRL) 1045/2020**

NARESH GUPTA

..... Petitioner

Through: Mr Pulkit Thareja, Advocate.

versus

THE STATE & ANR.

..... Respondents

Through: Mr Rajesh Mahajan, ASC for State.
Mr Dinesh Kumar Sabharwal,
Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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24.07.2020

[Hearing held through video conferencing]

1. The petitioner has filed the present petition, *inter alia*, praying that the FIR No.0181/2018 registered with PS Anand Parbat and all proceedings emanating therefrom be quashed.
2. The said FIR was registered on 26.06.2018 for an offence under Section 63 of the Copyright Act, 1957. The petitioner contends that the said offence is not cognizable offence and relies on the decision of this Court in *Anurag Sanghi v. State and Ors.: W.P.(Crl.) 3422/2018 decided on 25.11.2019.*
3. Mr Mahajan, learned ASC appearing for the State states that it is not disputed that in view of the decision of this Court in *Anurag Sanghi (supra)* the FIR in question is liable to be quashed. He, however, states that a SLP has been filed against the said decision before the Supreme Court and the same is pending.

4. Mr Sabharwal, learned counsel, who appears for respondent no.2 submits that the decision rendered by this Court in *Anurag Sanghi (supra)* is erroneous as an offence under Section 63 of the Copyright Act ought to be considered as cognizable.

5. In view of the above, the present petition is allowed and the FIR No.0181/2018 registered with PS Anand Parbat and all proceedings emanating therefrom are quashed. Insofar as the petitioner's application (CRL.M.A.9062/2020) for release of the seized goods is concerned, the same is liable to be allowed in view of the aforesaid order quashing the FIR in question. The police authorities are directed to release the material seized from the petitioner pursuant to the registration of the FIR in question.

6. It is clarified that all contentions of the parties regarding merits of the allegation are reserved.

7. It is pointed out that an error has crept in the order dated 23.07.2020 inasmuch as the number of the application for exemption has been referred to as CRL.M.A. No.9061/2020 instead of CRL.M.A. No.9060/2020. The learned counsel appearing for the petitioner states that CRL.M.A. No.9061/2020 is for summoning of the trial court record. No orders are required to be passed in this application. The same is also disposed of. However, the order dated 23.07.2020 is rectified to the said extent and the order passed in CRL.M.A. No.9061/2020 on 23.07.2020 is deleted.

VIBHU BAKHRU, J

JULY 24, 2020/MK