



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2021

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

Crl.O.P.Nos.15340 & 15341 of 2011
and
Crl.M.P.Nos.1 & 1 of 2015

1.M/s.Moser Baer Entertainment Ltd.,
Represented by its Managing Director,
Mr.Deepak Puri,
No.43, Okhla Industrial Estate,
New Delhi - 110020.

2.Deepak Puri
Managing Director,
M/s.Moser Baer Entertainment Ltd.,
No.43, Okhla Industrial Estate,
New Delhi - 110020.

..Petitioners / 3rd & 4th Accused
(in both the Crl.O.Ps)
Vs.

M/s. Sun TV Network Ltd.,
Represented by its Manager (Programming)
Mr.L.Jotheeshwaran,
No.4/5, Norton Road,
Mandaveli,
Chennai - 600 028.

.. Respondent/Complainant
(in both the Crl.O.Ps)

Prayer: These Criminal Original Petitions filed under Section 482 of Cr.P.C., to call for the records pertaining to the case in C.C.Nos.10614 and 10615 of 2010 pending on the file of the XI Metropolitan Magistrate, Saidapet, Chennai and to quash the same.

For Petitioner .. Mr.Rishwanth
For D.R.Raghunath
(in both Petitions)

For Respondent .. Ms.Sneha
(in both Petitions)



ORDER

These Criminal Original Petitions had been filed in the year 2011 about ten years back with relation to a calendar case of the year 2010 which is also more than ten years back. The 3rd and 4th accused are the petitioners herein.

2. In the interregnum period the 1st petitioner had gone into liquidation. That cannot give any advantage to the present petitioners herein. Insofar as the present petitions are concerned, it is seen from a perusal of the petitions that the accused are facing charges under Sections 51, 63 and 69 of the Copyright Act, 1957 read with Sections 406, 411, 418 and 420 IPC.

3. It is stated that the respondent in the course of the business had purchased copyright of the Telugu cinematography film 'Prasthanam' from the copyright holder namely, 1st and 2nd accused for consideration of Rs.70,00,000/- vide agreement dated 13.04.2010. The respondent had further alleged in the complaint that they are the exclusive copyright holder of the said film through all media. It is claimed that the present petitioners were not aware of the said agreement and they had in turn entered into an agreement with the 1st accused. It is claimed that they had given a public notice in newspaper regarding that particular fact. They came to know about the complaint being lodged and taken on file, only when summons was issued. These are issues which will have to be tried only before the trial court, C.C.Nos.10614 & 10615 of 2010 would have been disposed of more than about half a decade ago had these petitions not been filed.

4. I find no reasons to hold both the Criminal Original Petitions back on the file of this Court. A request by the learned counsel for the petitioners, owing to the fact that the 1st petitioner / A3 had become insolvent, some indulgence should be given, is rejected by me.

5. Let the Official Liquidator participate in the trial proceedings, go back to the XI Metropolitan Magistrate Court, Saidapet, Chennai and inform the learned Magistrate that the 1st petitioner / A3 has gone into liquidation. Let the learned Magistrate take a decision in accordance with law and in manner known to law. The learned Magistrate is also directed to take every step in manner known to law, if summons are issued and if there is any absence on the part of the petitioners before the learned Magistrate. Keeping these Criminal Original Petitions pending on the file of this Court would not be of any advantage either to the petitioners herein or to the respondent.

6. With the above observations, both the Criminal Original



Petitions are dismissed. Consequently, the connected miscellaneous petitions are closed.

WEB COPY

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

smv

To

1. The XI Metropolitan Magistrate,
Saidapet, Chennai.
2. Do Thro The Chief Metropolitan Magistrate,
Egmore, Chennai.

+1cc to Mr.M.Sneha, Advocate, S.R.No.47933

Crl.O.P.Nos.15340 & 15341 of 2011
and Crl.M.P.Nos.1 & 1 of 2015

GPL (CO)
RGA (12/10/2021)