

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.11422 of 2021

1.Jitendra Kumar Jian
2.Jitendra Kumar Singhi
3.Venkatesh ... Petitioners

Versus

State rep.by its

1.The Commissioner of Police
Office of the Commissioner of Police
No.132, EVK Sampath Road
Vepery, Chennai 600 007.

2.The Assistant Commissioner of Police
Flower Bazar Range
Chennai.

3.The Inspector of Police
Law & Order
Flower Bazar Police Station
Chennai-1. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue a direction to the respondents not to harass the petitioners for enquiry for alleged violation of Trade Mark Act and grant such other relief as deems fit to this Court.

For Petitioners: Mr.G.Mohammed Aseef

For Respondents: Mr.A.Damodaran for R1
Government Advocate (CrI.Side)

: Mr.Sengottuvel for R2 & R3

ORDER

This petition has been filed to issue a direction to the respondents not to harass the petitioners in the guise of enquiry for alleged violation of Trade Mark Act and grant such other relief.

2. The petitioners, who are facing harassment at the hands of the respondents 2 and 3, has filed this petition before this Court.

3. The contention of the petitioners is that there is some dispute between the brothers viz., Anbalagan and Sundaram with regard to usage of Trade Mark of Shri Varalakshmi Company. The said Sundaram filed a civil suit in C.S.No.91 of 2021 with regard to the trademark, which is pending before this Court. The said Anbalagan from Varalakshmi Starch Industries Pvt. Ltd., threatened them to sign documents produced by them, which was refused by the petitioners. The Petitioners have sent complaint on 20.04.2021. The said Anbalagan lodged a counter complaint stating that the petitioners are dealing with the disputed trademark products.

4. Mr.Sengottuvel, the learned counsel for the respondents 2 and 3 has submitted that it is not a civil dispute, but it is violation of trademark which constitute an offence. It is further stated that the petitioners are using the disputed trademark products.

5. The learned Government Advocate (Crl.Side) has submitted that the complaint lodged by the Anbalagan to the first respondent/Commissioner of Police, was received as Current Paper in C.No.378/DCBFB/CA/2021. Thereafter, the same was forwarded by the first respondent to the respondents 2 and 3. Subsequently, the third respondent conducted enquiry and on 25.06.2021 both the parties appeared. Thereafter, the petitioners were called for enquiry on 29.06.2021 and also directed them to furnish documents. However, the petitioner failed to appear before the respondent police instead filed this petition.

6. Considering the submissions and perused the materials, it is seen that the petitioners had already furnished explanation along with documents to the respondents. Further, it is a dispute between the brothers, viz., one Anbalagan and Sundaram, with regard to the usage of trade mark and in this regard already a civil suit is pending before this Court in C.S.No.91 of 2021. In view of the same, the respondent police is directed not to interfere, cause harassment in a Trade Mark dispute in the guise of enquiry any further. The dispute predominantly appears to be a civil dispute between brothers.

7. This Criminal Original Petition is disposed of with the above observations and directions.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dna

To

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
No.132, EVK Sampath Road,
Vepery, Chennai 600 007.
- 2.The Assistant Commissioner of Police,
Flower Bazar Range,
Chennai.
- 3.The Inspector of Police,
Law & Order,
Flower Bazar Police Station,
Chennai-1.
- 4.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.11422 of 2021

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srg 09/07/2021

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