



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.02.2022
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.1390 of 2022

1.C.Jayaprakash

2.Mukesh Kumar ... Petitioners/Accused 1 &2

Vs.

1.The Assistant Commissioner,
Central Crime Branch, Team - 10,
Chetpet, Chennai - 600 031.

...1st Respondent/Complainant

2.M/s.T.M.G.Srinivasa Iyengar
Rep.by its Partner V.Sivanesan,
No.151, Adhiyappan Naicken Street,
Sowcarpet,
Chennai - 600 001.

...2nd Respondent/De-facto
complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.231 of 2021 pending on the file of the learned III Metropolitan Magistrate Court, George Town, Chennai and quash the same.

For Petitioners	:	Mr.W.M.Abdul Azeez
For Respondent No.1	:	Mr.E.Raj Thilak
		Additional Public Prosecutor.
For Respondent No.2	:	M/s.G.Sumithra

ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.231 of 2021, pending on the file of the III Metropolitan Magistrate Court, George Town, Chennai and quash the same.

2.The case of the prosecution is that the petitioners were involved in selling fake product of 'Suganda KUMKUM' with their logo mark, colours and boxes. The said complaint was registered by the first respondent police in Crime No.458 of 2017, for the offences under Sections 63(a) r/w 51 of Copy Right Act 1957 and 103(a) r/w 102(1)(a) of Trade Marks Act 1999 and later altered to Section 420 IPC. The first respondent has filed charge sheet in C.C.No.231 of 2021 before the III Metropolitan Magistrate Court, George Town, Chennai.



3. The case is still at the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. A Memo of Compromise was filed before this Court on 03.01.2022 and it has been stated that both parties agreed for compromise and amicably settled their issues in C.C.No.231 of 2021, on the file of the III Metropolitan Magistrate Court, George Town, Chennai. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. Under such circumstances, no useful purpose will be served in keeping the case pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat), and after exercising due caution as advised by the Hon'ble Supreme Court in The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ CrL 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the case in C.C.No.231 of 2021, on file of the III Metropolitan Magistrate Court, George Town, Chennai.

6. This Criminal Original Petition stands allowed and as a sequel, the case in C.C.No.231 of 2021, on file of the III Metropolitan Magistrate Court, George Town, Chennai, is quashed.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

sli
To

1. The Assistant Commissioner,
Central Crime Branch, Team - 10,
Chetpet, Chennai - 600 031.

2. The III Metropolitan Magistrate Court,
George Town, Chennai,

3. The Public Prosecutor, High Court, Madras.

+1 cc to M/s.G.Sumithra, Advocate Sr.NO.6978

+1 cc to Mr.W.M.Abdul Azeez, Advocate Sr.NO. 7005

CRL.O.P.No.1390 of 2022

PL(CO)

A.SK(03/03/2022)