

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-18830-2022 (O&M)
Date of Decision:- 16.5.2022

M/s Puma Sports India Pvt Ltd and others ... Petitioners

Versus

The Union Territory of Chandigarh and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Chinmoy Pardeep Sharma, Senior Advocate with
Mr. Samir Rathaur, Advocate, for the petitioners.

Mr. Puneet Bali, Senior Advocate with
Mr. Vipul Joshi and Mr. Raghu Sinha, Advocates,
for respondent No.3.

Mr. Ankur Bali, Addl. PP. U.T. Chandigarh.

GURVINDER SINGH GILL, J. (Oral)

The petitioners have approached this Court seeking quashing of complaint No.PW202203005 dated 11.2.2022 (Annexure P-1), lodged by respondent No.3 and also notices dated 8.3.2022 and 22.4.2022 (Annexures

P-2 and 3), issued by the Office of Inspector/Incharge Crime Branch, Sector 11, U.T. Chandigarh.

The allegations, in nutshell, are to the effect that it was found that music was being played in retail outlet of Puma store at Elante Mall, without there being a licence in their favour issued under the Copy Right Act, 1957.

Learned counsel for the petitioners submits that Public Performance Licence, as issued by Phonographic Performance Limited i.e. the complainant is no longer required, as the complainant is not a copy right society and that as on date the copy right society is IPRS (Indian Performing Rights Society) and RMPL (Recorded Music Private Ltd.) and that litigation between Phonographic Performance Limited and RMPL is already pending in Delhi High Court as regards their rights.

I have heard the learned counsel for the petitioners.

This Court finds that the complaint in question was filed by the complainant on 11.2.2022 and the matter is being inquired into by the police. Needless to mention that the police is well within its rights to inquire into the matter and for which all those who are acquainted with the facts of the case can be called by the police so as to record their statement or to collect evidence. It is too early in the day to make any expression in the matter. As such, at this nascent stage, this Court does not deem appropriate to interfere in the investigation/inquiry which is going on.

The petition, as such, is disposed of with liberty to the petitioners to approach this Court again in case any FIR is lodged.

Since the learned counsel has expressed that the police is unnecessarily harassing all the top officials i.e. CEO and CFO of the company, it is directed that the officials of the company be not unnecessarily harassed and be called only when extremely necessary provided the petitioners furnish all the relevent documents etc.

16.5.2022

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No