

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32071 of 2017

Arising Out of PS. Case No.-21 Year-2016 Thana- HARPUR District- Munger

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Kare Lal Singh @ Karu Singh @ Karu S/o Sri Sultan Singh, resident of
Village- Dhanpura, P.S.- Tarapur, District- Munger.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Rohit Kumar Singh, S/o Nishi Kant Singh, resident of Mohalla- Dinda Koli,
P.O. P.S.- Karoo, District-Deoghar Jharkhand, at present Rohit Kumar Singh,
S/o Nishi Kant Singh, 124, Arvind Sarani, Kolkatta- 700006, Working in
Marico Company, under Blackat, Detective Company.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Karn, Advocate
For the Opposite Party/s : Mr. Binod Kumar 3, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-10-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The present quashing application has been filed
seeking quashing of the order dated 02.08.2016 passed by Sri
Arvind Kumar, learned Judicial Magistrate, 1st Class, Munger in
connection with Harpur P.S. Case No. 21 of 2016 whereby
cognizance has been taken under Sections 420, 465, 487 of the
Indian Penal Code read with Sections 63 and 65 of the
Copyright Act.

3. The learned counsel for the petitioner submits that
petitioner has been falsely implicated in the present case with an
allegation that the informant received an information that



petitioner has been manufacturing duplicate Nihar Coconut Oil in the name of Merico Company and sells out in the market, accordingly, the police was given information based on which a raid was conducted and from the house of the petitioner various articles were found for manufacturing duplicate oil, accordingly, seizure list was made. The learned counsel next submits that petitioner has been falsely implicated in the present case, it is next submitted that it is not the case of the informant that the oil was found in the market. It is further submitted that the FIR has been instituted under the Copyright Act when it ought to have been instituted under the Trademarks and Patent Act, it is next submitted that even the police station where the FIR came to be instituted had no jurisdiction to institute the FIR.

4. The learned APP for the State vehemently opposes the quashing application of the petitioner and submits that the submissions made by the learned counsel for the petitioner is fit to be rejected at the outset for the reason that at the stage of taking cognizance, it is only the *prima facie* satisfaction of the Court which is required. It is next submitted that people like petitioner are flooding the market with spurious goods which has adverse effect on the consumer if the spurious oil which the petitioner was manufacturing would have been used by innocent



customer, the same would have badly affected the hair of citizen. It is next submitted that the petitioner has remedy of raising all the issues at the time of framing of charge.

5. Considering the submissions made by the learned APP for the State, the Court is not inclined to entertain the quashing application.

6. Accordingly, the present quashing application stands rejected.

(Satyavrat Verma, J)

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