

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL APPLICATION NO. 578 OF 2023

Jagadish Namomla Jarani
R/at: S/O. Namomal Jarani,
Paras Residency, Emrold Building,
Flat No.502, 5th floor,
Sadguru Residency,
Ulhasnagar, Thane 421 001.

... Applicant

Versus

1. The State of Maharashtra
At the instance of Sr. Inspector
Bhandup Police Station,
Mumbai.

2. ITC Limited
office at World Trade Centre,
Centre 1, 18th floor,
Cuffe Parade, Mumbai 400 005

... Respondents

Mr Chetan Alai a/w. Rama Somani i/b Jaipal V. Tarepati for
Applicant.

Smt. A.S.Pai, GP a/w. Mr K.V. Saste, APP for the State.

Mr Anup Lahoti for the Respondent No.2.

***CORAM: NITIN W. SAMBRE &
R. N. LADDHA, JJ.***

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Order (Per R. N. Laddha, J.) :-

. Heard. Rule. The Rule is made returnable forthwith at the request and with the consent of the parties.

2. The Applicant is seeking to quash an FIR filed against him at Bhandup Police Station for the offences punishable under Sections 63 of the Copyright Act, 1957; 103, and 104 of the Trade and Merchandise Marks Act, 1958 and 420, 483, 485, 486 and 487 read with 120B of the Indian Penal Code. The FIR was filed by the Respondent Company, who accused the Applicant of infringing their trademark and copyright. However, the parties have now amicably settled their dispute.

3. The record shows that the Applicant and the Respondent Company have sorted out their differences amicably, and the Respondent Company has filed a consent affidavit stating they do not wish to pursue the criminal proceedings. The learned counsel for both parties have jointly stated that the dispute has been settled and that continuing with the prosecution would serve no purpose.

4. It reveals from the record that an authorised representative of the Respondent Company, Mr Anshul Jain, has filed a consent affidavit and confirmed in Court that the

company has no objection to quashing the impugned FIR. When questioned, he confirmed the contents of his affidavit. The learned counsel appearing for the Respondent Company identified him, and the learned APP has verified his original Aadhar Card, of which a duly signed copy is placed on record.

5. After examining the case in accordance with the law laid down by the Hon'ble Supreme Court in *Gian Singh v/s. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. v/s. State of Punjab and Anr.*² and, considering that *prima facie* the dispute has a civil flavour and has been sorted out amicably, there appears to be no impediment to quashing the impugned FIR.

6. As a result, the subject FIR bearing M.E.C.R. No. 12 of 2003 and the proceedings arising from it are quashed, subject to the condition that the Applicant pays a cost of Rs.25,000/- to the Kirtikar Law Library, Mumbai, within three weeks of this order being uploaded.

7. Rule is made absolute in the above terms, and the Application is disposed of accordingly.

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

L.S. Panjwani, P.S.

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.