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Crl.O.P.No.24454 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.24454 of 2024

and

Crl.M.P.Nos.13786 and 13787 of 2024

1. C.Karthikeyan

2. G.Venkatesan

... Petitioners

Vs.

1. The State Rep. by

Inspector of Police

IPREC, St. Thomas Mount, Chennai - 600 003

(Crime No.2 of 2023)

2. K.Babu

Regional Manager

Assure IP India Protection Agency

New Delhi-110092

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records being C.C.No.193/2024 on the file of the Judicial Magistrate No.I, Chengalpattu and quash the same.

For Petitioners : Mr.Manoharan

For 1st Respondent : Mr.S.Sugendran

Additional Public Prosecutor

For 2nd Respondent : No Appearance



ORDER

This Criminal Original Petition has been filed by the petitioners to quash the case in C.C.No.193 of 2024 on the file of the Judicial Magistrate No.I, Chengalpattu.

2. The petitioners are accused in Crime No.2 of 2023. Based on the complaint given by the 2nd respondent, the 1st respondent police registered the case in Crime No.2 of 2023 against the petitioners for violation of copyright and after investigation, laid charge sheet for the offences under Section 51 (b)(i) & 63 of the Copy Rights Act, 1957 and the same was take up on file in C.C.No.193 of 2024 by the Judicial Magistrate No.I, Chengalpattu. Now the petitioners have filed the present petition seeking to quash the C.C.No.193 of 2024 pending on the file of the Judicial Magistrate No.I, Chengalpattu.

3. The learned counsel for the petitioners submitted that the allegation of the defacto complainant is that the petitioners violated the copy rights Act, whereas, no offence is made out as against the petitioners herein. Despite the same, the 1st respondent police laid charge sheet against the petitioners and the



learned Magistrate also failed to consider the nature of allegations and took up the charge sheet on file. Hence, the present petition is filed invoking Section 528 of B.N.S.S. to quash the case in C.C.No.193 of 2024 pending on the file of the Judicial Magistrate No.I, Chengalpattu.

4. The learned Additional Public Prosecutor appearing for the 1st respondent police submitted that already the trial Court has summoned the witnesses to be examined on 14.11.2024.

5. A perusal of the entire records shows that there is prime facie allegations. Hence, it is for the petitioners to work out their remedy before the trial Court and it is for the 1st respondent police to establish their case. Until the 1st respondent police proves the alleged offence against the petitioners, the petitioners will be presumed to be innocents. However, the innocence of the petitioners can be decided only by the trial Court and not by invoking Section 528 of B.N.S.S. Act before this Court.

6. Therefore, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.



7. Further, the trial Court is directed to complete the trial within a period of three months from the date of receipt of a copy of this order.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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Note: Issue order copy on 12.11.2024

To

1. The Judicial Magistrate No.I, Chengalpattu
2. The Inspector of Police
IPREC, St. Thomas Mount, Chennai - 600 003
3. The Public Prosecutor,
High Court of Madras.



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P.VELMURUGAN. J.

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