



CRL OP(MD). No.3894 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 06.02.2024

CORAM

The Hon`ble Mr.Justice M. DHANDAPANI

CRL OP(MD) No.3894 of 2022
and Crl.M.P.(MD) Nos.2842 and 2843 of 2022

Rajaram

... Petitioner

Vs

1. The Inspector of Police,
IPR Enforcement Cell,
VPC-CID,
Madurai Unit,
Madurai District.
2. Mr. Satheesh Kumar, (M/44),
S/o. B.J. Ramakrishnan,
Regional Director,
South India,
E.I.P.R. Pvt. Ltd.,
GR11, Tulsiani Chambers,
Nariman Point, Mumbai,
Maharashtra Submits – 400 020.

... Respondents

PRAYER :- Criminal Original Petition file under section 482 of Cr.P.C., to pleased to call for the records in C.C.No.254/2018 pending in the file of the Judicial Magistrate No.II, Madurai, quash the same against the petitioner.



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For Petitioner : M/s. P. Praveenkumar

For Respondents : M/s. P. Kottaichamy for R1
Additional Public Prosecutor

No appearance for R2

ORDER

This petition has been filed seeking to quash the charge sheet in C.C.No.254 of 2018 on the file of the learned Judicial Magistrate, No.II, Madurai.

2. The case of the prosecution is that the petitioner is said to have sold the eye glasses of M/s.Titan Industries and has violated the Copyright Act and hence, on the complaint of the 2nd respondent, who is conducting survey and reports of M/s.Titan Industries, a case has been registered under Section 51(b)(i) and 63(a) of Copyright Act, 1957 and the same was taken on file in CC No.254/2018 before the trial court, for quashing which, the petitioner is before this court with this petition.

3. The learned counsel for the petitioner would submit that the petitioner is running an optical shop and he is doing his business for the



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past ten years and that the petitioner has nothing to do with the alleged offences. He would further submit that the offence registered against the petitioner is under Section 51(b)(i) and 63(a) of Copyright Act, 1957, which is a non-cognizable offence and it has to be investigated by the respondent police only after obtaining necessary orders from the jurisdictional Magistrate and that the respondent police, without getting any orders from the learned Magistrate, cannot conduct the investigation in a non-cognizable offence and hence, prays for interference.

4. The learned Government Advocate (Crl. Side) would submit that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioner have to be gone into only at the time of trial and hence, he prayed for dismissal of the petition.

5. Considering the facts and circumstances of the case, this Court is of the considered view that no prejudice would be caused to the petitioner, if he is subjected to due trial as sufficient opportunity would be given to him to put forth his defence. The petitioner cannot be let by



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quashing the charges framed against him as that would completely undermine the alleged act, which is the subject matter of criminal trial pending against him. The petitioner is at liberty to canvass all the points before the trial court. Useful reference in this regard can be had to the decision of the Hon'ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)***.

6. For the reasons aforesaid, this Court finds no ground or scope to quash the case in C.C.No.254 of 2018, pending on the file of the learned Judicial Magistrate, No.II, Madurai. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petitions are dismissed.

7. The learned counsel appearing for the petitioners submitted that this Court may consider dispensing with the personal appearance of the petitioners before the court below. Taking into consideration the request as made by the learned counsel for the petitioner, the appearance of the petitioner before the trial court is dispensed with except for his appearance for the purpose of receiving the copy of the proceedings u/s



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207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C.

and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct his appearance on those days.

06.02.2024

Index : Yes/No

NCC : Yes/No

RR

TO

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M.DHANDAPANI. J

RR

**ORDER
IN
CRL OP(MD) No.3894 of 2022**

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