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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 315/2024 & CRL.M.A. 1200/2024**

SURESH KAKKAR

..... Petitioner

Through: Mr Pawan Sharma, Advocate.

versus

STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr Raj Kumar, APP for the State
with SI Ravindra Kumar, DIU,
Central District.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

12.01.2024

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1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0475/2018 under Sections 103/104 Trade Marks Act, 1999 registered at Police Station Karol Bagh and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

2. Issue notice. The learned APP for the State accepts notice. He submits that since the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.

3. The petitioner, as well as, respondent no. 2, who is the senior investigating officer/authorised officer of M/s Eicher Motors Limited, are present in the Court and they have been identified by the Investigating Officer SI Ravindra Kumar, DIU, Central District.



4. The brief facts of the case are that during the market check, the complainant discovered that some manufacturers and retailers/suppliers are deliberately indulging themselves in manufacturing, selling and distributing of counterfeit products under the mark EML of M/s Eicher Motors Limited and thus violating the trademarks and copyrights of the company thereby causing wrongful gain to themselves and wrongful loss to company, as well as, to the general public at large. This led to the registration of aforesaid FIR at the instance of the respondent no.2.

5. During the pendency of the proceedings, the parties were referred to Delhi Mediation Centre, Tis Hazari Courts, Delhi where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 17.10.2023, which is annexed as Annexure P-3 to the present petition.

6. It is recorded in the settlement that the parties have amicably resolved their disputes.

7. It is also a term of the settlement that the petitioner shall pay compensation/damages of Rs.20,000/- to the complainant by way of cash. The said amount has already been paid, which fact is acknowledged by the respondent no.2, who is present in the Court.

8. The respondent no.2, on a query put by the Court, states that he has no objection in case the FIR is quashed.

9. At this stage, apt would it be to refer to the observations of the Supreme Court in ***Gian Singh v. State of Punjab, (2012) 10 SCC 303: (SCC p. 340, para 58)***

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of



criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”

10. In view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will be an exercise in futility.
11. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.
12. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.
13. Consequently, the petition is allowed and the FIR No.0475/2018 under Sections 103/104 Trade Marks Act, 1999 registered at Police Station Karol Bagh alongwith all other proceedings emanating therefrom, is quashed.
14. The petition stands disposed of in the above terms.
15. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

JANUARY 12, 2024
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