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

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+ **CRL.M.C. 698/2019**

MURLI MANOHAR MALHOTRA Petitioner

Through: Mr. Nikhil Mehta and Mr.
Varun Sharma, Advs.

versus

STATE & ANR. Respondents

Through: Mr. Utkarsh, APP for the
State with Insp. Satish
Dagar, PS EOW
None for R-2

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+ **CRL.M.C. 706/2019**

SH. BADAL JAIN Petitioner

Through: Mr. Nikhil Mehta and Mr.
Varun Sharma, Advs.

versus

STATE & ANR. Respondents

Through: Mr. Utkarsh, APP for the
State with Insp. Satish
Dagar, PS EOW
None for R-2

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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09.01.2024

1. The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR bearing no. 144/2003 dated 12.03.2003 registered at PS Karol Bagh for offences punishable under Section 63 of the Copyright Act, 1957 and Sections 78 & 79 of the Trade and Merchandise Marks Act, 1958.

2. The learned counsel for the petitioner submits that the



complaint given by one Mr. Nirmal Singh as an Authorised Representative of Respondent No.2 under Section 63 of the Copyright Act, 1957 read with Sections 78 and 79 of the Trade and Merchandise Marks Act, 1958 was settled pursuant to which a Memorandum of Settlement dated 15.10.2018 was also executed.

3. He submits that Mr. Nirmal Singh was authorised not only to file a complaint in relation to offences under the Copyright Act, 1957 and Trade Marks Act, 1958 but was also authorised to settle the dispute on behalf of Respondent No.2. He further submits that offences under Section 63 of the Copyright Act, 1957 and Sections 78 and 79 of the Trade and Merchandise Marks Act, 1958 are compoundable in nature as they attract punishment only up to 3 years.

4. None has appeared on behalf of Respondent No.2.

5. The learned counsel further submits that Respondent No.2 is stated to have been merged with another company, the status of which is unknown.

6. The affidavit filed by Mr. Nirmal Singh is already on record which categorically states that he is representing the Respondent No.2 company as an Authorised Representative and has settled the disputes with the petitioner, and he has no objection if FIR No.144/2003 registered at PS Karol Bagh is quashed.

7. The learned Additional Public Prosecutor for the State however submits that authorisation in favour of Mr. Nirmal Singh to settle the disputes has not been brought on record.

8. In view of the duly sworn affidavit by Mr. Nirmal Singh, this Court has no reason to doubt that the parties had settled their disputes. The Memorandum of Settlement entered between the



parties categorically states that they have amicably settled their grievances and have no objection for quashing of the FIR bearing No. 144/2003.

9. This Court feels that no useful purpose would be served by keeping the case pending. However, since the State machinery was put in motion and the chargesheet had already been filed this Court considers it apposite to impose costs of ₹10,000/-.

10. In view of the above, FIR No.144/2003 and the proceedings emanating therefrom are quashed, subject to the petitioner depositing a cost of ₹10,000/- with the Delhi Police Welfare Society Fund.

AMIT MAHAJAN, J

JANUARY 9, 2024
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