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

+ **W.P.(CRL) 1852/2023**

RISHABH CHAWALA

..... Petitioner

Through: Mr. Kamal Garg and Mr. Rajat Bansal, Advocates alongwith petitioner in person

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr. Rahul Tyagi, ASC for the State with Ms. Priya Rai, Mr. Sangeet Sibou, Mr. Jatin, Mr. Aashish Chojar, Advocates, Inspector Anant Kiran, DIU/Central and Inspector Sushil Sanwaria, Traffic

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

30.01.2024

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1. The present petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C') has been filed on behalf of petitioner seeking quashing of FIR bearing No. 139/2019 registered at Police Station Hauz Qazi for offence punishable under Sections 63/65 of the Copyright Act, 1957 and all other proceedings emanating therefrom.

2. Petitioner is present before this Court and has been identified by his counsel Mr. Kamal Garg and Investigating Officer (IO) Inspector Anant Kiran from Police Station DIU/Central, Delhi.



3. As per the case of the prosecution, the aforesaid FIR was registered on the complaint of Mr. Aman Bansal, the Authorised Representative of respondent no. 2 herein i.e., M/s Xtrapower Tools Pvt. Ltd, wherein it was alleged that the said company, through its predecessor is the registered copyright owner of artistic work “XTRAPOWER” registered under the number A-96583/2013. It is further stated that the said company is the registered owner of trade mark “XTRAPOWER”. It is alleged in the complaint that sub-standard goods and counterfeit products bearing the mark “XTRAPOWER” were being sold by some unscrupulous actors in the Central Delhi area. As per the case of the prosecution, after the registration of present FIR, a raid was conducted at a shop belonging to accused Vikas Gupta. It is alleged that several counterfeit tools of “XTRAPOWER” were recovered from the said shop. Subsequently, a raid was also conducted at the premises of the present petitioner who was found to be in-charge and responsible for the business operations at the said shop and various counterfeit tools/products bearing mark of “XTRAPOWER” were recovered from the said shop as well.

4. Learned counsel appearing on behalf of the petitioner submits that during the pendency of the aforesaid proceedings, the matter has been settled with respondent no. 2. It is further pointed out that in pursuance of the said settlement, the present petitioner is now an authorized dealer of respondent no. 2/company.

5. Attention of this Court has also been drawn to the Board Resolution dated 01.03.2023, wherein the aforesaid facts have been mentioned.

6. On a query made by this Court, AR of respondent no. 2/company who has been identified by the IO, has categorically stated that they have entered



into settlement out of their own free will, volition and without any coercion, pressure or threat and have no objection, if the FIR is quashed.

7. In view of the above facts that the parties have amicably resolved their differences out of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the above mentioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

8. Accordingly, FIR bearing no. 139/2019 registered at Police Station Hauz Qazi for offence punishable under Sections 63/65 of the Copyright Act, 1957 and all consequential proceedings emanating therefrom are quashed.

9. The present petition stands disposed of.

10. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 30, 2024/ns

[Click here to check corrigendum, if any](#)