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

+ **CRL.M.C. 3587/2024**

PARMOD KUMAR TIWARI

..... Petitioner

Through: Mr. Ankit Kansal, Adv. along with
petitioner

versus

THE STATE & ANR.

..... Respondents

Through: Mr. Ritesh Kumar Bahri, APP for
State with Insp. Dharmendra Kumar,
DIU North District
Mr. Gagan Kumar, Adv. for R-2
along with Authorised Representative
of respondent no.2

**CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN**

ORDER

% **06.05.2024**

CRL.M.A. 13764/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 3587/2024

2. The present petition has been filed seeking quashing of FIR No.47/2016 under Section 63 of the Copy Right Act registered at P.S. Bara Hindu Rao, Delhi.

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

4. The petitioner, as well as, the authorised representative of respondent



no.2/complainant, Mr. Rabindranath Banerjee, have joined through VC and they have been identified by their respective counsels and the IO.

5. The brief facts of the case are that respondent no.2 is engaged in the manufacturing of *bidi* by the name of ‘Kishan Biri Gold’, ‘Kishan Biri No.51’ etc. and claims to be the market leader in the field for the past 20 years. He filed a complaint alleging that the petitioner started manufacturing and selling *bidis* using the same wrapper and thereby violated the intellectual property rights of the petitioner. This led to the registration of aforesaid FIR.

6. During the pendency of the proceedings, the parties have arrived at a settlement. The petition is supported by the affidavit of respondent no.2 wherein it has been mentioned that respondent no.2 has no objection in case the FIR is quashed.

7. The Authorised Representative of respondent no.2 affirms the factum of settlement and reiterates that respondent no.2 has no objection in the event FIR is quashed.

8. 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.”

9. In view of the settlement between the parties, the ultimate chances of



conviction in the case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.

10. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

11. Consequently, the petition is allowed and the FIR No. 47/2016 under Section 63 of the Copy Right Act registered at P.S. Bara Hindu Rao, Delhi along with all other consequential proceedings emanating therefrom, is quashed.

12. The petition stands disposed of in the above terms.

13. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

MAY 6, 2024

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