

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1787 of 2025

Arising Out of PS. Case No.-52 Year-2025 Thana- Ratanpur District- Begusarai

Mohan Lal Daruka S/O Mahavir Prasad Daruka Proprietor, Mahavir Syndicate, Resident of Ward No. 22, Police Station - Ratanpur, District - Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Begusarai.
4. The Station House Officer, Ratanpur Police Station, District- Begusarai.
5. Manish Gupta Son of Kanhaiya Gupta Resident of 65A, Upper Ground Floor, Kundan Nagar, Lakshmi Nagar, Delhi -110092.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Sr. Advocate Mr. Shashank Shekhar, Advocate
For the Respondent/s	:	Mr. S.C.21

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 04-08-2025 Heard learned Senior Counsel for the petitioner and learned counsel for the State.

2. The present application has been filed for quashing the F.I.R. of Ratanpur Police Station Case No.- 52 of 2025, dated 19.06.2025, pending in the Court of Learned Chief Judicial Magistrate, Begusarai, under Sections 63 and 65 of the Copyright Act, 1957, and Section 103 and 104 of the Trademarks Act, 1999.

3. As per the prosecution case, one Manish Gupta who is working as an investigator in M/s ASSURE IP PROTECTION AGENCY. Its authorized client company,



namely, M/s RAMESH STEEL PRODUCTS (MALHOTRA PIPES) which manufactures pipes and other goods with a brand name “MALHOTRA”, had authorized the informant to take legal actions against those who were manufacturing and selling their fake goods. The informant upon receiving a secret information that fake pipes of SUPER MALHOTRA in the name of MALHOTRA were being sold in Begusarai market, came to Begusarai and enquired about the same, since the client company of the informant was facing financial loss due to sale of such fake pipes. Upon such enquiry he got information that fake pipes of SUPER MALHOTRA are being sold from a secret shop in the name of MALHOTRA. He gave this information in writing at Ratanpur police station on the same day i.e 19.06.2025. Thereafter, the police officials raided the secret shop and introduced themselves to the shopkeeper and showed him all the papers related to the client company and asked the shopkeeper for his name and address. The shopkeeper introduced himself as Mohanlal Daruka, permanent address Patel Chowk Main Road, Nauranga, Ward No. 31, Police Station Nagar, District Begusarai. The GST number of the board installed in the shop was 10ACTPD2491D1ZZ. The police officials asked for a MALHOTRA pipe from the shopkeeper,



and the same had the name of SUPER MALHOTRA written on it, which is manufactured by the client company of the informant. On inspection, the pipe obtained from the shop was found to be fake. Two (02) fake SUPER MALHOTRA pipes were seized from the shop and one (01) original MALHOTRA pipe (sample) of the client company brought by the informant was presented before the police officer, which was duly seized after preparing a presentation cum seizure list and the shopkeeper was informed that his actions constitute an offence under the aforementioned sections.

4. The petitioner prays for quashing of the FIR on the basis of his defence which is not permissible in law.

5. This application is permitted to be withdrawn with liberty to the petitioner to raise all the grounds, if after conclusion of the investigation, charge-sheet is submitted against him.

6. With the aforesaid observation, this application is dismissed as withdrawn.

(Sandeep Kumar, J)

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