



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

263

CRM-M-9802-2021 (O&M)

Date of decision: 02.09.2025

Amit Kumar

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rakesh Gupta, Advocate for the petitioner.

Mr. Parmod Kumar, AAG, Haryana.

None for respondents No.3 to 6.

AMAN CHAUDHARY, J.

1. The present petition has been filed under Section 482 Cr.P.C., for quashing of FIR No.282 dated 28.05.2020, registered under Section 420 IPC and Sections 63 and 65 of the Copyright Act, 1957 (for short, 'the Act'), at Police Station Pehowa, District Kurukshetra.

2. Shorn of unnecessary details, the facts of the case are that when complainant-Surender Kumar, Field Manager, Speed Search Security Networks Pvt. Ltd., who claims to have the authorization of the said firm to take action against the people who are manufacturing, selling or supplying counterfeited goods under the name and style of 'Luxmi', along with his team, conducted a survey in Pehowa City, they allegedly found out that the petitioner is selling and supplying counterfeited goods under the name of their authorizing company. Subsequently, he informed the Station Incharge, whereupon recovery of counterfeited goods were effected.



3. Learned counsel would contend that as per the allegations against the petitioner, he was manufacturing and selling counterfeited goods, purportedly manufactured by the Speed Search Security Networks Pvt. Ltd., under the name and style of 'Luxmi', which does not attract the offences under Sections 63 and 65 the Act, 1957. It is his further submission that the said goods have a distinct label of 'KLC Luxmi' whereas the label used by the company of the complainant is 'Luxmi'. He relies on the judgments passed by this Court in the cases of **Anil Kumar vs. State of Punjab and another**, 2011 (18) RCR (Criminal) 304 and **Gurmukh Singh and another vs. State of Punjab**, 2011 (18) RCR (Criminal) 308.

4. Learned State counsel while referring to the status report filed in the present case submits that after conclusion of the investigation, challan was presented in the present case on 17.08.2020. The ingredients of the offences are fulfilled. He prays for dismissal of the petition.

5. Heard the learned counsel for the parties.

6. It is apposite to make a reference to Section 13 of the Act, 1957, which read thus:

Section 13: Works in which copyright subsists:

(1) Subject to the provisions of this section and the other provisions of this Act, copyright shall subsist throughout India in the following classes of works, that is to say:

- (a) original literary, dramatic, musical and artistic works;
- (b) cinematograph films; and
- (c) sound recording.

(2) to (5) xx xx xx xx xx

7. The FIR registered under Sections 420 IPC, 63 and 64 of the Act, 1957 and 79 of Trade and Merchandise Act on a complaint submitted by the Central Coordinator Brand Protection of Tata Steels against the petitioner therein, alleging that complaints from various authorized dealers and distributors were



received by the company that the reinforcement bars produced by using TMT technology, being one of their products, was manufactured and embossed as TA-TA TMT bars by the petitioners, who were passing the said product in the market as original TATA product and that customers were being misled, as they were unable to identify the original TATA TISCON from the counterfeit, was quashed by this Court in the case of **M/s Bikaner Steel Mills Vs. State of Punjab**, 2007 (1) R.C.R. (Criminal) 773, by observing that, “As per Section 13 of the Act, 1957, copyright could subsist in original literary, musical and artistic works, cinematograph films and sound record. There could be thus no copyright in the steel bars produced by TATA TISCON by using TMT Technology”. It was held that no offence under Sections 63 and 64 of the Act, 1957 was made out with regard to the allegations of production counterfeit steel bars.

8. In **Anil Kumar vs. State of Punjab and another**, 2011 (18) RCR (Criminal) 304, the FIR registered under Sections 63 and 65 of the Copy Right Act, 1957, Section 420 IPC and 78/79 of Trade Mark Act was quashed on the ground that the provisions of the Act, 1957 were not applicable to goods mechanically produced. It was observed that offences could not be made out. The allegations against the petitioner were that he is selling fake shoes and chappals of Adidas and Reebok companies at original price by declaring the same to be original, thereby cheating the innocent persons and causing economic and financial loss at large scale to the companies. And even from the godown, 288 pairs of shoes and 100 pairs of chappal on which a forged sticker of Adidas company had been affixed were found and on the inner side of the recovered shoes seal of made of China, Indonesia and Korea had been affixed.

9. This Court in the case of **Satpal vs. State of Punjab** 2011 (1) RCR (Criminal) 281, wherein the accused who was manufacturing Ayurvedic medicines



similar to those manufactured by complainant was facing trial for the offences under Sections 51, 52, 63 and 64 of Copy Right Act, 1957, it was held by this Court that no offence under the Copy Right Act was made out.

10. The issue that arose in **Gurmukh Singh** (supra) was whether using the trade mark of some other firm would attract the provisions of the Copy Right Act, 1957 or not. The allegations against the petitioners therein was of using trade marks of some other firms on the bags of potatoes. During investigation, it was found that the petitioners were using false trade mark, thus, the offence under the Act, 1957 and Trade Mark Act was made out, upon which the challan was presented and the case was fixed for framing of charge. This Court quashed the FIR noticing that the provisions of Copy Right Act are attracted to original literary dramatic, musical and artistic works; cinematograph films; and sound recording and offence under Sections 78 and 79 of the Trade Mark and Merchandise Act was non-cognizable and could not be investigated by the Police. Further, after coming into force of the Trade Mark Act, 1999, the complaint can be initiated by the Registrar and the raid could be conducted by an officer not below the rank of DSP.

11. Pertinently, in the instant matter, it was alleged in the complaint that the petitioner was selling and supplying counterfeited goods in the market under the name of 'Luxmi', which does not attract the provisions of the Copy Right Act, in view Section 13 thereof, as the works in which it subsists are (a) original literary, dramatic, musical and artistic works; (b) cinematograph films; and (c) sound recording.

12. On a conspectus evaluation of the facts and circumstances of the case, the provisions and the judgments being intrinsically applicable thereto, this Court finds merit in the petition.

**CRM-M-9802-2021**

5

13. Accordingly, the present petition is allowed. FIR No.282 dated 28.05.2020, registered under Section 420 IPC and Sections 63 and 65 of the Copyright Act, 1957, at Police Station Pehowa, District Kurukshetra and all other consequential proceedings arising therefrom are hereby quashed.

(AMAN CHAUDHARY)
JUDGE

02.09.2025

parveen kumar

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No