

245 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH



CRM-M-43177-2020 (O&M)
Date of Decision: 17.11.2025

SATPAUL MITTAL ... PETITIONER
VERSUS
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Saurabh Kapoor, Advocate for the petitioner.
(through video conferencing)

Mr. Parneet Singh Pandher, A.A.G., Punjab.

Mr. Rehan Gupta, Advocate for
Mr. Karan Pathak, Advocate for respondent No.2.

H.S. GREWAL, J. (ORAL)

1. The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.61 dated 01.07.2020 registered under Section 420 of the Indian Penal Code and Section 103 of the Trade Marks Act, 1999 (Section 104 of the Trade Marks Act added later on) registered at Police Station Singh Bhagwantpur, Rupnagar, final investigation report and all the subsequent proceedings.

2. The case of the prosecution is that petitioner has misrepresented his trademark as that of SPM Gopal whereas the original owner of the trademark is also Gopal. Original registered trademark is of Gopal in the name of Promila Chauhan – respondent No.2. Complainant – respondent No.2 who is proprietor of M/s Divyank Enterprises has also registered trademark as Gopal.

3. It is submitted that the Gopal trademark is very similar to that of original registered trademark held by the complainant. Therefore, the misrepresentation is being done. The challan has since been filed. The petitioner states that his trademark is also registered with the concerned authority and he has only right to use the said trademark as SPM Gopal. However, the complainant states that the trademark, font, colour etc. of their trademark is being misrepresented by the petitioner's trademark and to deceive the general public.

4. Be that as it may, the disputed question on facts and law has been brought on record. The disputed facts cannot be gone into the proceedings under Section 482 Cr.P.C. and since the challan has been presented, the petitioner is at liberty to raise all the arguments before the learned trial Court and seek discharge as the case may be.

5. The present petition stands disposed of with liberty to the petitioner to raise all the arguments before the learned trial Court at the appropriate stage, in accordance with law.

17.11.2025

Janki

(H.S.GREWAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No