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

+ **CRL.M.C. 1291/2025, CRL.M.A. 5805/2025**

RAJNEET SINGH & ORS

.....Petitioners

Through: Mr. Adesh Nandal, Advocate

versus

STATE OF NCT OF DELHI & ANR

.....Respondents

Through: Mr. Amit Ahlawat, APP for State
along with SI Prabhash DIU/North.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **07.11.2025**

1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 460/2024 dated 21st October, 2024, registered under Sections 103 and 104 of the Trade Marks Act, 1999³ at P.S. Bara Hindu Rao, Delhi, and all consequential proceedings emanating therefrom.

2. The case of the prosecution is that a complaint dated 14th October, 2024, was received from BrandMonitor, acting on behalf of M/s. Gianni Versace S.R.L., having its registered office at Piazza Luigi Einaudi 4, Milan, Italy. In the said complaint, it was alleged that certain entities within the

¹ "BNSS"

² "CrPC"

³ "TM Act"



jurisdiction of the North Delhi District were engaged in the sale, storage, and advertisement of counterfeit goods bearing the trademarks of the renowned brand “Versace”. The Complainant further stated that documentary evidence of such infringing activities had been collected and could be produced during investigation. Consequently, based on the said complaint, the present FIR was registered against the present Petitioners.

3. The Petitioners submit that they have amicably resolved the dispute with the Complainant/Respondent No. 2, who has voluntarily decided not to pursue the present FIR proceedings. In this regard, each of the Petitioners has executed separate settlement agreements with the Complainant/Respondent No. 2. Under the said agreements, the Petitioners have agreed to pay the Complainant/Respondent No. 2 the amounts specified therein.

4. Copies of the aforesaid agreements have been duly placed on record and perused by the Court. As per their terms, the Complainant/Respondent No. 2 has amicably resolved all disputes and differences with the Petitioners and has voluntarily expressed no objection to the quashing of the subject FIR. To this effect, an Affidavit/No Objection Certificate has been filed by Mr. Vinay Choudhary, the authorized representative of the Complainant/Respondent No. 2.

5. Mr. Vinay Choudhary, who appears before the Court in person and is duly identified by the Investigating Officer as well as the counsel, unequivocally states that the Complainant does not wish to pursue the FIR proceedings. He confirms that the settlements were arrived at voluntarily, without any undue influence or coercion, and that the Complainant has received the full and final settlement amounts from the Petitioners in terms



of the respective agreements. In light of this amicable resolution, the Petitioners seek quashing of the subject FIR and all proceedings arising therefrom.

6. The Court has considered the submissions of the parties. The offences under Sections 103 and 104 of the TM Act are generally non-compoundable in nature. However, it is well settled that in the exercise of its inherent powers under Section 482 CrPC (corresponding to Section 528 BNSS), the Court may, in appropriate cases, quash proceedings in respect of non-compoundable offences if the parties have reached a genuine settlement and no overarching public interest is adversely affected. The Supreme Court in *Gian Singh v. State of Punjab & Anr.*⁴ has held as follows:

“11. As discussed above, offence punishable under Section 186/332/353 of the IPC are non-compoundable being of serious nature, however, if the Court feels that continuation of criminal proceedings will be an exercise in futility and justice in this case demands that the dispute between the parties is put to an end and peace is restored, it can order for quashing of the FIR or criminal proceedings as it is the duty of the Court to prevent continuation of unnecessary judicial process.

12. In view of the law discussed above, considering the Settlement arrived at between the parties and the statements of respondent no.1 & 2, I am of the considered opinion that this matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question would be an an exercise in futility.”

[Emphasis added]

7. Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁵ the Supreme Court held as follows:

“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. **No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves.** However, this power is to be exercised sparingly and with caution.

29.2. **When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:**

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.”

[Emphasis Supplied]

8. Although the offences under Sections 103 and 104 of the TM Act cannot be treated as strictly ‘in personam’, and they touch upon public concerns rather than being confined to individual grievances, the Court must also account for the practical realities of securing a conviction in the present case. The Supreme Court has consistently held that in cases where the



complainant has entered into a voluntary and *bona fide* settlement, and is no longer inclined to support the prosecution, the prospect of securing a conviction becomes exceedingly remote. In such circumstances, continuing the prosecution may not only prove futile, but would also serve no worthwhile public interest.

9. The Complainant/Respondent No. 2, represented by its authorized representative, Mr. Vinay Choudhary, has categorically expressed its unwillingness to pursue the matter further and has confirmed that the settlements are voluntary and free from coercion. In view of this, continuation of criminal proceedings would serve no useful purpose, and would instead burden the justice system and consume public resources unnecessarily.

10. Having regard to the totality of the circumstances, and in view of the legal principles laid down by the Supreme Court, this Court finds the present case to be an appropriate one for exercise of jurisdiction under Section 528 BNSS (corresponding to Section 482 CrPC) to secure the ends of justice.

11. In view of the foregoing, the present petition is allowed and FIR No. 460/2024 dated 21st October, 2024, registered under Sections 103 and 104 of the TM Act at P.S. Bara Hindu Rao, Delhi, and all consequential proceedings emanating therefrom are hereby quashed.

12. However, since the State machinery was set in motion based on the impugned FIR, it is appropriate to impose costs on the Petitioners. Accordingly, all the Petitioners are directed to deposit INR 5,000/- each with the Delhi Police Welfare Fund, within a period of four weeks from today.

13. It is expected that the parties shall abide by the terms of their respective settlements.



14. Accordingly, the petition is disposed of along with pending application(s).

SANJEEV NARULA, J

NOVEMBER 7, 2025/MK