

Kapil Gupta vs The State, Government Of National ... on 20 September, 2022

Author: Yogesh Khanna

Bench: Yogesh Khanna

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.M.C. 4773/2022
KAPIL GUPTA

Through: Mr.Deepak Kuma
Advocate.

versus

THE STATE, GOVERNMENT OF NATIONAL
CAPITAL TERRITORY OF DELHI & ANR.

Through: Mr.Harpreet Singh Popl
State with WSI Van
Central.
Mr.Monish Pan
Deosthale and Mr.N
Advocates for R2/c

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA
ORDER

% 20.09.2022

1. Petitioner files this petition for quashing of the FIR No.184/2018 under Section 63/65 of the Copyright Act and Section 104 of Trademark Act registered at police station Hauz Qazi against him and the proceedings emanating therefrom.

2. The respondent No.2 lodged the aforesaid FIR against the petitioner. During the pendency of proceedings, a settlement was arrived at between the parties on 26.07.2022 and it was reduced into Consent Terms, annexed as Annexure C to this petition. In view of settlement, the petitioner has paid Rs.3.50 lacs to respondent No.2 as damages to compensate the loss occasioned to respondent No.2 on account of infringement of its copyright and trademark. The learned counsels for parties submit the parties shall abide by Consent Terms, more specifically para Nos.1-11. The affidavit of Company Secretary/AR of the respondent No.2 is on record as annexure E.

3. The learned counsel for complainant/respondent No.2 states the matter has been settled with the petitioner and respondent No.2 has no objection if the FIR is quashed. The learned APP for the State has also no objection, if this petition is allowed. The affidavits of parties are on record.

4. Considering the above settlement between the parties, there is no impediment in quashing of the FIR as complainant has settled all the disputes and has received the settled amount from the petitioner. In view of the above, there is no use to continue with the proceedings against petitioners as it would never entail in his conviction.

5. Accordingly, the petition is allowed. Consequently, FIR No.184/2018 under Section 63/65 of the Copyright Act and Section 104 of Trademark Act registered at police station Hauz Qazi and the proceedings emanating therefrom are quashed. Pending application, if any, also stands disposed of. No order as to costs.

YOGESH KHANNA, J.

SEPTEMBER 20, 2022 M