

(2020) 02 RAJ CK 0436

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 2898 Of 2017

Amin Khan And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 24-02-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 155, 482
Copyright Act, 1957 — Section 51, 63, 63(A), 68(A)

Citation : (2020) 02 RAJ CK 0436

Hon'ble Judges : Sandeep Mehta, J

Bench : Single Bench

Advocate : J.K. Suthar, Mukhtiyar Khan

Final Decision : Allowed

Judgement

The instant miscellaneous petition under Section 482 CrPC has been preferred by the petitioners herein seeking quashing of the FIR No.120/2017

registered at the Police Station Sujangarh, District Churu and all proceedings sought to be taken thereunder for the offences under Sections 51, 63,

68(A) of the Copy Right Act.

I have heard and considered the arguments advanced by learned counsel for the petitioners and the learned Public Prosecutor and gone through the impugned FIR.

This court in the case of Deshraj Swami Vs. State of Rajasthan through P.P. & Anr. [2017 (2) Cr.L.R. (Raj.) 951] has conclusively laid down that

the offences under the provisions of the Copy Right Act are non-cognizable. Therefore, by virtue of Section 155 of the CrPC, no FIR can be

registered for such infringement. Otherwise also, as there is no allegation of the complainant that it is second offence committed by the petitioners

after having been convicted for the same offences previously, the offence under Section 63(A) cannot be applied.

Consequently, the miscellaneous petition deserves to be and is hereby allowed. The impugned FIR No.120/2017 registered at the Police Station

Sujangarh, District Churu and all proceedings sought to be taken thereunder against the petitioners are hereby quashed.