

(2018) 09 DEL CK 0161

In the Delhi High Court

Case No : Criminal Miscellaneous Case No.4595 Of 2018

Yogender Gupta & Ors

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 12-09-2018

Acts Referred:

Copyright Act, 1957 — Section 63
Trademarks Act, 1999 — Section 103, 104

Citation : (2018) 09 DEL CK 0161

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Final Decision : Allowed

Judgement

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.31804/2018 (exemption)

Â Exemption is allowed subject to all just exceptions. CRL.M.C. 4595/2018

1. Petitioners seek quashing of FIR No.56/2015 under Sections 63 of the Copyright Act and Section 103/104 of the Trademarks Act, 1999, Police

Station Economic Offences Wing. Â

2. Subject FIR was registered consequent to a complaint with regard to the infringement of the trademarks and copyright of the complainant.

3. It is stated that parties have settled their disputes and Settlement Agreement dated 11.04.2018 has been executed between the parties. As per the

Settlement Agreement, petitioners acknowledge the exclusive right of the complainant over all the Trademarks and Copyrights of M/s. Relaxo

Footwears Limited but not limited to RELAXO, FLITE, SPARK, SPARX, and SCHOOLMATE and have undertaken not to directly or indirectly

infringe the trademark of the complainant.

4. Petitioner No.3 has agreed to pay a sum of Rs.1,00,000/- towards full and final settlement of the claims of the respondent No.2 for infringement of trademarks as well as damages/costs. The said amount of Rs.1,00,000/- has already been paid.

5. The authorised representative of respondent No.2, Mr.Ankur Mishra, Assistant Manager (Legal) who has been authorised by way of a resolution of the Board of Directors dated 30.03.2018 submits that the company has settled with the petitioners and received the said amount and does not wish to prosecute the complaint any further and has no objection to quashing of the subject FIR.

6. In view of the fact that the parties have resolved their disputes and the complainant does not wish to press any complaint; continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. It would be expedient to quash the subject FIR and the consequent proceedings emanating there from.

7. In view of the above, the petition is allowed FIR No.56/2015 under Sections 63 of the Copyright Act and Section 103/104 of the Trademarks Act, 1999, Police Station Economic Offences Wing and the consequent proceedings emanating there from are quashed.

8. Order Dasti under the signatures of the Court Master. Â